

THE UNIVERSITY OF TEXAS BULLETIN

No. 3136: September 22, 1931

LOBBYING

Interscholastic League Bureau

Division of Extension



PUBLISHED BY
THE UNIVERSITY OF TEXAS
AUSTIN

Publications of The University of Texas

Publications Committees:

GENERAL:

FREDERIC DUNCALF
J. F. DOBIE
J. L. HENDERSON
H. J. MULLER

C. H. SLOVER
G. W. STUMBERG
A. P. WINSTON

OFFICIAL:

E. J. MATHEWS
C. F. ARROWOOD
E. C. H. BANTEL

KILLIS CAMPBELL
C. D. SIMMONS
BRYANT SMITH

The University publishes bulletins four times a month, so numbered that the first two digits of the number show the year of issue and the last two the position in the yearly series. (For example, No. 3101 is the first bulletin of the year 1931.) These bulletins comprise the official publications of the University, publications on humanistic and scientific subjects, and bulletins issued from time to time by various divisions of the University. The following bureaus and divisions distribute bulletins issued by them; communications concerning bulletins in these fields should be addressed to The University of Texas, Austin, Texas, care of the bureau or division issuing the bulletin: Bureau of Business Research, Bureau of Economic Geology, Bureau of Engineering Research, Interscholastic League Bureau, and Division of Extension. Communications concerning all other publications of the University should be addressed to University Publications, The University of Texas, Austin.

Additional copies of this publication may be procured from the
Interscholastic League Bureau, The University of Texas,
Austin, Texas,
at
15 cents per copy



THE UNIVERSITY OF TEXAS BULLETIN

No. 3136: September 22, 1931

LOBBYING

Interscholastic League Bureau

Division of Extension



PUBLISHED BY THE UNIVERSITY FOUR TIMES A MONTH, AND ENTERED AS
SECOND-CLASS MATTER AT THE POSTOFFICE AT AUSTIN, TEXAS,
UNDER THE ACT OF AUGUST 24, 1912

The benefits of education and of useful knowledge, generally diffused through a community, are essential to the preservation of a free government.

Sam Houston

Cultivated mind is the guardian genius of Democracy, and while guided and controlled by virtue, the noblest attribute of man. It is the only dictator that freemen acknowledge, and the only security which freemen desire.

Mirabeau B. Lamar

FOREWORD

In accordance with its usual practice, the Interscholastic League is issuing this bulletin for the help and convenience of students who wish to prepare themselves for entry into the debating contests of the League.

In the interest of economy, the League has discontinued furnishing free copies, and is thus enabled to reduce the price to 15 cents per copy. The large free distribution in former years to many schools not participating in debate increased the cost to those schools purchasing extra copies, and hence it seems wise to discontinue the free distribution, and reduce the cost to those schools actually using the publication.

The Extension Loan Library, University Station, Austin, Texas, will furnish for ten cents any school official in Texas who applies for the same a package library on the present question, which he may keep for a period of two weeks.

The present bulletin was compiled by Bennett Lay.

The League endorses and commends to debating coaches and judges the following statement of the aims of this contest:

"The purpose of practice debating is to teach young men [and young women] to think, and to speak their thoughts effectively. Debaters who are so trained should be given precedence over those who recite vigorously memorized speeches. The college or high-school debater who declaims, in all probability has not written the speech himself. Too much help by the coaches [and commercial bureaus] is doing much to bring disrepute upon all debating. If judges have the courage to distinguish between declamation and speaking from the floor, they can do much to raise the standard of school debating."

It will be noted that the current rules provide for county eliminations in debate on a percentage basis which will leave only the two strongest teams in each division to compete at the county meet. No attempt should be made to prevent "scouting." Indeed, it is desirable for teams and coaches to hear just as many League debates as possible.

Coaches are cautioned to study carefully the "Instruction to Judges" which appears in the "Rules for Debate" in the current issue of the Constitution and Rules.

ROY BEDICHEK,

*Chief, Interscholastic League Bureau,
Extension Division, The University of Texas.*

"Good argument is a sharp process of investigation, leading by mutual criticism to some nearer ascertainment of truth."

J. L. GARVIN.

"It is easy to say that in every dispute we should have no other aim than the advancement of truth; but before dispute no one knows where it is" . . .

ARTHUR SCHOPENHAUER.

"The gods have given us speech—the power which has civilized human life; and shall we not strive to make the best of it?"

ISOCRATES.

Verily, Glaucon, I said, glorious is the power of the art of contradiction!

Why do you say so?

Because I think that many a man falls into the practice against his will. When he thinks that he is reasoning he is really disputing, just because he cannot define and divide, and so know that of which he is speaking, and he will pursue a mere verbal opposition in the spirit of contention and not of fair discussion.

Yes, he replied, such is very often the case; but what has that to do with us and our argument?

A great deal; for there is certainly a danger of our getting unintentionally into a verbal opposition.

PLATO: *The Republic*, Book V.

EXPLANATION

The Brief and the reading material included in the Bulletin, it is believed, cover the essential points on the lobbying question.

For a broader and more extensive study, the debater should procure, along with other readings, the valuable material collected by the Package Loan Library, Extension Division, of The University of Texas.

In preparing the brief, an attempt has been made to cite at least one authority for each contention. It should be noted, however, that the reference given for each point is not the only one and the debater should substantiate his argument with several other equally well-known authorities.

Attention should also be called to the fact that a special instruction is given judges in League debates of this question which reads as follows:

In 1931-32 debates, judges are instructed that mere listing of instances bad or good does not establish a case for either side. Our present *system* of lobbying is being attacked by the affirmative and defended by the negative.

Ingenuity in the preparation of the debate is very desirable and the debater should construct his own individual case without adhering too closely to the Bulletin or other briefs. At best, the Bulletin contains only a general survey of the subject. The debater is left to decide for himself the strong and weak points of the subject.

Quotations from this Bulletin, or other sources, should be properly pointed out by the debater, in order to avoid the charge of plagiarism. It should be remembered, too, that the word of a well-known authority has much more weight with the audience and judges than the mere assertion of the speaker.

It is hoped that this Bulletin will be of aid in the study of the question.

BENNETT LAY.

The University of Texas,
September 10, 1931.

SUGGESTIVE BRIEFS

Resolved, That Lobbying as Practiced in This Country Is Detrimental to the Best Interests of the People.

INTRODUCTION

- I. The question of lobbying is a very important one, because
 - A. There has been much discussion for a number of years on the soundness and efficiency of our legislative system.
 - B. A sound and efficient working of our legislative system is of vital concern to all the people.
- II. Definitions:
 - A. Lobbying—A person or body of persons seeking to influence Congress in any way whatsoever.¹
 - B. Detrimental: Causing detriment, injurious, hurtful.²
- III. Admitted Matter.
 - A. Both sides will admit the necessity for a sound and efficient legislative system.
 - B. Both sides will admit that lobbying exists to an appreciable extent.
 - C. Both sides will admit that there are good lobbies and bad lobbies.
- IV. The Main Issues.
 - A. Is lobbying detrimental to the best political interests of the people?
 - B. Is lobbying detrimental to the best social interests of the people?
 - C. Is lobbying detrimental to the best economic interests of the people?

DISCUSSION OF THE AFFIRMATIVE

- I. Lobbying is detrimental to the soundness of American political machinery, because
 - A. Lobbying is destroying the fundamental principles of our representative system, for
 1. It makes for minority control, for
 - a. An incomplete list shows 400 of these groups in Washington, employing 5000 people.³
 - b. Their sole purpose is to have government act, or not to act, as they shall direct.⁴

¹United States Statute 1095.

²Webster's International Dictionary.

³Herring, E. P., "Group Representation Before Congress."

⁴Caraway, Senator, Congressional Record, April 16, 1928.

- c. Selfish groups have found it easy to throw Congress into a cowardly panic.⁵
- d. The great unorganized majority are without special representation.⁶
- B. Lobbying interferes seriously with the efficiency and soundness of our legislatures, for
 - 1. Their very numbers constitute a nuisance and impair efficiency, for
 - a. "They are becoming as numerous as lice in Egypt?"
 - (1) It is almost impossible for an outside senator to get in the committee room, and barely possible to get out.⁸
 - (2) You cannot get through the corridors anywhere without having some of these lobbyists talking to you about bills in Congress.⁹
 - b. Legislators are swamped with social invitations from lobbyists.
 - 2. Valuable time is uselessly consumed by the lobbyist in committee hearings.
 - a. Witnesses are used to appeal to sentiment.¹⁰
 - b. Facts and statistics offered are so twisted as to require time and trouble in sifting the facts.
 - 3. The great pressure exerted by conflicting interests keeps legislators from taking positive stands, for
 - a. Legislators fear to offend large and powerful interests or groups in their states.¹¹
 - (1) They are compelled to dodge and evade.¹²
 - b. The lobby leads to colorless compromises on vital issues.
 - (1) Our tariff laws are fitting examples of this fact.
 - 4. Much detrimental legislation may be traced to the lobbyist.
 - a. The Fordney-McCumber act, placing a tax burden of \$600,000,000 on the people, is the achievement of a Washington lobby.¹³
 - 5. Lobbyists make the fair and impartial action of legislatures impossible, for
 - a. The legislator often hears but one side of the question.
 - (1) Corporate interests can maintain a strong lobby composed of able men at the capital throughout

⁵Editorial, Philadelphia Public Ledger, May 21, 1924.

⁶Quick, H. C., Saturday Evening Post, May 21, 1921.

⁷Thomas, Senator, Congressional Record, April 8, 1924.

⁸McKellar, Senator, *Ibid.*

⁹*Ibid.*

¹⁰Herring, E. P., "Group Representation Before Congress."

¹¹Kent, F. R., "The Great Game of Politics."

¹²*Ibid.*

¹³McKellar, Senator, Congressional Record, April 8, 1924.

the entire session while those who would be heard in opposition cannot.¹⁴

- b. The best organized and wealthiest groups obtain the majority of beneficial legislation.

C. Lobbying is causing American political disunity, for

- 1. The cement which binds the people of the States is disintegrating and disappearing in the jarring contentions of conflicting interests.¹⁵

- a. National legislators who are able to think and vote in terms of national interest are few and far between.¹⁶

- b. Groups are trying to send men to Congress who will keep group interest rather than national interest first.¹⁷

- (1) The Congress of the United States has become a Congress of minorities.¹⁸

- c. If the evil grows and disintegration continues there will be deplorable effects on the country.¹⁹

II. Lobbying is detrimental to the best social interests of the people, because

- A. The well known American disrespect for law, with its attendant train of social problems, may be traced to the influence of the lobby,²⁰ for

- 1. The average voter feels that he has no voice in law making.²¹

- a. He feels that laws are foisted upon him by minority groups.²²

- b. He feels that reforming fanatics have taken from him fundamental individual rights.²³

- c. He feels that majority rule no longer exists and he is being controlled by minorities.²⁴

- d. The unorganized voter has no special representation and therefore feels that duly elected representatives are beyond his grasp.²⁵

- B. Lobbying gives special social groups an exaggerated voice in our government, for

¹⁴La Follette, Robert, Message to Wisconsin Legislature, 1905.

¹⁵Thomas, Charles S., Congressional Record, Feb. 2, 1921.

¹⁶Editorial, Philadelphia Public Ledger, May 21, 1924.

¹⁷*Ibid.*

¹⁸*Ibid.*

¹⁹Thomas Charles S., Congressional Record, Feb. 2, 1921.

²⁰Franki, J. F., "Some Evils of Invisible Government."

²¹*Ibid.*

²²*Ibid.*

²³*Ibid.*

²⁴*Ibid.*

²⁵*Ibid.*

1. Lobbies concern themselves with our bodies and our souls, our rights, our religion, and our races.²⁶
 - a. They meddle in affairs which should be strictly individual.
2. Lobbying is making for a union of church and state.²⁷
 - a. It is well known that practically every church has its special representative at the Nation's Capitol.
- C. Lobbyists use tactics in themselves socially undesirable, for
 1. They defile public opinion with all sorts of propaganda, for
 - a. Large advertisers are able to control newspaper policy.²⁸
 - b. Presidents, legislators, or cabinet officers may be the victim of the subtle campaign of propaganda.²⁹
 - c. A favorite device is to "build fires under Congressmen" through the folks back home.
 - d. The United States failed to sign the Geneva Protocol outlawing poison gases through the influence of propaganda spread by a special gas manufacturing group.³⁰
 - e. The lobby does not hesitate to flood the country with half truths.³¹
 2. Special interests do their lobbying through paid mercenaries, for
 - a. Lobbying has become highly commercialized and has been spoken of as a "good loose game."³²
 - b. They claim greater powers than they have and are capable of the lowest trickery.³³
 - c. They control Congressmen largely through fear.³⁴
- III. Lobbying is detrimental to the best economic interests of the people, because
 - A. Business groups are able to enact legislation contrary to the economic welfare of the public, for
 1. Our laws upon trusts are weak and impotent due to the influence of lobbies.³⁵
 2. It has been the boast of a railway lobbyist "that no law in 16 years has been enacted in the interest of the people when opposed by the railways."³⁶

²⁶Wile, F. W. W., *Outlook*, Dec. 26, 1928.

²⁷Literary Digest, Nov. 13, 1928.

²⁸Siegfried, "America Comes of Age."

²⁹Wile, F. W. W., *Outlook*, Dec. 26, 1928.

³⁰*Ibid.*

³¹Caraway, Senator, *Congressional Record*, April 16, 1928.

³²Quick, H. C., *Saturday Evening Post*, May 21, 1921.

³³Caraway, Senator, *Congressional Record*, April 16, 1928.

³⁴Kent, F. R., "The Great Game of Politics."

³⁵La Follette, Robert, *Message to Wisconsin Legislature*, 1906.

³⁶*Ibid.*

3. Telephone lobbies have prevented enactments giving people competitive service.³⁷
- B. Big business has obtained an undue voice in the government, irrespective of service to the people, for
 1. Business maintains one of the most powerful and effective lobbies in Washington.
 2. Business has special agencies for spreading its propaganda throughout the country.³⁸
 3. Limited organizations exert influence upon Congress clearly antagonistic to national economic interests.⁴⁰

CONCLUSION

Lobbying as practiced in this country is detrimental to the best interests of the people, because

- I. Lobbying is detrimental to the soundness of American political machinery, for
 - A. Lobbying is destroying the fundamental principles of our representative system.
 - B. Lobbying interferes seriously with the efficiency and soundness of our legislatures.
 - C. Lobbying is causing American political disunity.
- II. Lobbying is detrimental to the best social interests of the people, for
 - A. The well known American disrespect for law, with its attendant train of social problems, may be traced to the influence of the lobby, for
 - B. Lobbying gives special social groups an exaggerated voice in our government.
 - C. Lobbyists use tactics in themselves socially undesirable.
- III. Lobbying is detrimental to the best economic interests of the people, for
 - A. Business groups are able to secure the enactment of legislation contrary to the welfare of the people.
 - B. Big business has obtained an undue voice in government, irrespective of service to the people.

DISCUSSION OF THE NEGATIVE

- I. Lobbying is necessary to the best functioning of American political machinery, because
 - A. It is a necessary adjunct to our representative system, for
 1. Government is no longer the simple thing it was in the days of the founding of the Constitution.⁴¹

³⁷*Ibid.*

³⁸Herring, E. P., "Group Representation Before Congress."

³⁹*Ibid.*

⁴⁰Underhill, Charles L., United States Representative.

2. Government has always been forced to alter itself to meet changed conditions.⁴²
 - a. Political parties are purely the children of expediency.⁴³
 - b. Through necessity the Constitution has been profoundly altered through judicial interpretation.⁴⁴
3. Lobbies are a natural evolution in our political system made inevitable by changing needs.
 - (1) They represent a healthy democratic growth.⁴⁵
- B. Many European countries have legalized special group representation,⁴⁶ for
 1. Germany, Russia, The Irish Free State, and Belgium have legalized special group representation.⁴⁷
 2. The modern tendency everywhere is to superimpose group representation upon geographical representation.
- C. Lobbies make for efficiency and soundness in our legislatures, for
 1. Lobbies are in a position to give valuable information concerning legislation,⁴⁸ for
 - a. Lobbying gives the legislator an opportunity to hear all sides of a question, insuring fairness to all interests.
 - b. The great number of bills introduced into Congress makes the work of the legislator extremely complex.
 - (1) Legislators do not have the time to dig out the necessary information concerning all bills.
 - (2) Lobbies with their knowledge of special problems are best able to give information.
 2. Legislatures are inherently hesitant and dilatory.⁴⁹
 - a. Some pressure and special direction of legislation is necessary.
 3. Much beneficial legislation may be traced to the activity of special groups.
 - a. The Woman's Suffrage Amendment, Pure Food Laws, Workingmen's Laws, and many others have been enacted through the activity of the lobby.
- D. Lobbies are necessary for the expression of the diverse points of view growing out of modern civilization, for
 1. The great society of today is not the simple agricultural society of Jefferson and Jackson.⁵⁰

⁴⁵Herring, E. P., "Group Representation Before Congress."

⁴²*Ibid.*

⁴³Franki, J. F., "The Function of the Lobbyist in American Government."

⁴⁴*Ibid.*

⁴⁵Herring, E. P., "Group Representation Before Congress."

⁴⁶*Ibid.*

⁴⁷Patterson, C. P., "American Government."

⁴⁸Luce, Robert, "Legislative Assemblies."

⁴⁹Franki, J. F., "The Function of the Lobbyist in American Government."

⁵⁰Weeks, O. D., "A Defense of the Lobby."

- a. The advances in transportation have brought about a new alignments.⁵¹
 - (1) The fact that people live in the same locality no longer insures community of interest.⁵²
 - b. Functional constituencies have in fact taken the place of old geographical constituencies.⁵³
 - (1) Modern society is essentially pluralistic.⁵⁴
 - 2. The decline of political parties has made the rise of these new groups compulsory and inevitable.⁵⁵
 - a. Battles of politics today are not between Democrats and Republicans — but between “butter and oleomargarin, coal and oil, shingles and composite roofing.”⁵⁶
 - 3. Popular government in the last analysis, is not necessarily majority government; it may be the government which comprises the manifold wishes of many conflicting minorities.⁵⁷
- II. Lobbying is necessary to the best social interests of the people, because
- A. It gives the people a direct voice in legislation, for
 - 1. The lobby represents by far the greater part of the American people.⁵⁸
 - a. Practically every group in our complex society has its special representative in Washington.⁵⁹
 - 2. A single individual has little influence in Washington.
 - a. It is impossible for a representative to consult with all the people he must represent.
 - b. The only working device by which the average citizen may voice his views is through the medium of the lobby.
 - (1) This direct means of contact strengthens faith and interest in government.
 - c. The lobbies mark the shift in social importance from the individual to the group.⁶⁰
 - B. The lobby is a medium through which special social groups may come into contact with legislatures, for
 - 1. Most of the great reforms which have taken place in this country may be traced directly to the activity of the lobby.⁶¹

⁵¹Herring, E. P., “Group Representation Before Congress.”

⁵²*Ibid.*

⁵³*Ibid.*

⁵⁴*Ibid.*

⁵⁵Herring, E. P., “Group Representation Before Congress.”

⁵⁶Weeks, O. D., “A Defense of the Lobby.”

⁵⁷*Ibid.*

⁵⁸Bell, J. Jr., “The American Lobby.”

⁵⁹*Ibid.*

⁶⁰Herring, E. P., “Group Representation Before Congress.”

⁶¹Bell, J. Jr., “The American Lobby.”

2. The voice of social groups in the government should not be denied as they are a vital part of public opinion.⁶²
 - a. The right to petition Congress is a fundamental constitutional right.
- C. Lobbyists use tactics in themselves socially desirable, for
 1. By means of the press and the mails they help to crystalize public opinion.
 - a. Unorganized public opinion is apt to be effervescent—a phantom.⁶³
 2. The lobby is an important go between from the people to the legislature.
 - a. It keeps the individual posted on the work of Congress.
 - (1) In many cases it prevents injurious legislation by arousing public opinion.⁶⁴
 - b. It keeps the legislator informed as to the trend of public opinion.
 3. The fact that the lobbyist is paid is no criticism, for
 - a. It insures a high standard of lobbyists.
 - b. Everyone must live and the laborer is worthy of his hire.⁶⁵
- III. Lobbying is necessary to the best economic interests of the people, because
 - A. There has been a great increase in the interpenetration of economic and political interests,⁶⁶ for
 1. There is always the specter of too much governmental control to be guarded against.⁶⁷
 2. An ill advised law affecting industry may ruin thousands of people.
 3. "What's good for business is good for the country" has become an axiom in modern civilization.
 - B. Business does valuable research in economic fields for lobbying purposes, for
 1. The Bureau of Railway Economics studies transportation problems.⁶⁸
 2. The American Federation of Labor does valuable research work.⁶⁹
 3. The lobbyist with his expert knowledge is a business need.

⁶²Odegard, Peter, "Pressure Politics."

⁶³Herring, E. P., "Group Representation Before Congress."

⁶⁴Independent, July-December, 1906.

⁶⁵Luce, Robert, "Legislative Assemblies."

⁶⁶Herring, E. P., "Group Representation Before Congress."

⁶⁷*Ibid.*

⁶⁸Editorial, North American Review.

⁶⁹*Ibid.*

CONCLUSION

Lobbying as practiced in this country is conducive to the best interests of the people, because

- I. Lobbying is necessary to the best functioning of American political machinery, for
 - A. It is necessary adjunct to our representative system.
 - B. Many European countries have legalized special group representation.
 - C. Lobbies make for efficiency and soundness in our legislatures.
 - D. Lobbies are necessary for the expression of the diverse points of view growing out of modern civilization.
- II. Lobbying is necessary to the best social interests of the people, for
 - A. It gives the people a direct voice in legislation.
 - B. The lobby is a medium through which special social groups may come in contact with legislatures.
 - C. Lobbyists use tactics in themselves socially desirable.
- III. Lobbying is necessary to the best economic interests of the people.
 - A. There has been a great increase in the interdependence of economic and political interests.
 - B. Business does valuable research in economic fields for lobbying purposes.

BIBLIOGRAPHY

NOTE.—The following bibliography represents the latest articles available on the lobbying question. For a full bibliography and valuable material in pamphlet form see the Package Loan Library, Extension Division, The University of Texas.

BOOKS

Herring, E. P. *Group Representative Before Congress*,¹ The Brookings Institution, Washington.

PERIODICALS

- Annals of American Academy of Political and Social Sciences, July, 1929. *Lobbying*, Logan.
- Bookman, Nov., 1923. *Voces Populi*, Murphy, Elmer.
- Bunker's Magazine, March, 1928. *A Plea for Legitimate Lobbying*.
- Christian Century, Oct. 30, 1929. *In This Government by the People*.
- Forum, Nov., 1925. *The Washington Soviets*, Wilhelm, D.
- Forum, Sept., 1930. *The Senate Inquisition*. Lippman.
- Harper's Magazine, January, 1930. *Whom Does Congress Represent?* Beard.
- Independent, Jan. 2, 1926. *Unofficial Representation in Washington*, Shelton, F. D.
- Ladies Home Journal, June, 1922. *The Social Lobby*, Selden, Charles A.
- Literary Digest, Oct. 30, 1920. *Watchful Lobbies and Lobbyists That Camp in Washington*.
- Literary Digest, July 16, 1927. *Law-Making by Means of Dinners*.
- Nation, May 23, 1928. *Lobbying in Washington*, La Guardia.
- Outlook, Nov. 27, 1929. *Why We Need Lobbies*, Herring, E. P.
- Saturday Evening Post, July 7, 1928. *The Third House*, Caraway, T. H.
- Woman's Home Companion, Nov., 1930. *The Evils in Lobbying*. Lippman.
- World's Work, March, 1922. *Invisible Government Becoming Visible*.

¹This book contains an excellent bibliography.

GENERAL MATERIAL

FROM THE OLD LOBBY TO THE NEW

BY E. PENDLETON HERRING, PH.D.,
Instructor, Department of Government, Harvard University
(From *Group Representation Before Congress*, pp. 30-46, The Johns
Hopkins Press, Baltimore, Md., 1929)

Not so long ago one of our younger Solons upon the floor of the Senate expressed the opinion that the Capitol looked to him like a nursing bottle. "If the dome does not look like the top of an old-fashioned nursing bottle," thundered this statesman, "I do not know what it looks like!"

As a matter of fact, Washington is full of people suffering from just such an optical delusion. They view the Capitol hungrily as the source of nutriment for their own interests. It is a rare organized group indeed that does not desire something from the national government. If they are not working to get something for themselves they are busily struggling to prevent an enemy organization from obtaining legislative favors. All of these organizations operate in Washington in matters dealing with government and legislation through that institution known as the "lobby." A congressional committee has defined this term lobby as having "the broad meaning of a person or body of persons seeking to influence Congress in any way whatsoever." There is hardly a national association in the capital that under this definition of the term does not at one time or another function as a lobby. Most of these associations have much wider interests than those connected with the lobby alone. In many cases the work of lobbying is carried on by a special department of the organization that is designated for that particular task. This department always enjoys a singularly important position.

Despite this fact, it is a difficult matter to meet a lobbyist face to face. One may encounter legislative agents, executive secretaries, special counsels, research secretaries, and national chairmen quite frequently, but very seldom is an acknowledged lobbyist to be seen. The reason is not far to seek. "The word at one period carried with it a certain idea of acts, sinister and corrupt, and the first impression now made upon the mind of the average man when this word is used in connection with legislative bodies is probably in line with this conception."

Naturally enough, those seeking to influence legislation at present do not relish a title that suggests such an evil reputation. A change has taken place in the methods of the lobby within the past decade or so, and today the lobbyist functions quite differently from his

predecessor. A gradual evolution has changed the lobby in many essential aspects.

The record of the lobby in years gone by provides ample evidence to justify the connotations that it still arouses in the minds of many people. The pages of American history show not a few blots left there by the stains of political corruption; and the lobby is responsible for many of them. Traces of a lobby are to be found many years back. Groups of self-seeking individuals have ever importuned legislatures for special favors.

. . . Perhaps the fullest and certainly one of the most colorful accounts of the old lobby is given by Ben. Perley Poore, from whose reminiscences the following quotation is taken:

The lobby is a quiet but efficient part of congressional machinery. Scores of bills are considered and passed during every session, each involving thousands of dollars, and those having them in charge do not feel like turning a deaf ear to anyone who can promise support. An occasional investigation reveals the work of ex-Congressmen, who hover about the Capitol like birds of prey, and of correspondents so scantily paid by the journals with which they are connected that they are forced to prostitute their pens. But the most adroit lobbyists belong to the gentler sex. Some of them are the widows of officers of the army and navy, others the daughters of Congressmen of a past generation, and others have drifted from home localities, where they have found themselves the subjects of scandalous comments. They are retained with instructions to exert their influence with designated Congressmen. Sometimes the Congressmen are induced to vote aye on a certain measure; sometimes to vote no, and it often occurs that where the lobbyist cannot make an impression on them, one way or the other, they will endeavor to keep them away from the House when the roll is called.

To enable them to do their work well, they have pleasant parlors, with works of art and bric-a-brac donated by admirers. Every evening they receive, and in the winter their blazing wood fires are often surrounded by a distinguished circle. Some treat favored guests to a game of euchre, and as midnight approaches there is always an adjournment to the dining room, where a choice supper is served. A cold game pie, broiled oysters, charmingly mixed salad, and one or two light dishes generally constitute the repast, with iced champagne or Burgundy at blood heat. Who can blame a Congressman for leaving the bad cooking of his hotel or boarding house, with the absence of all home comforts, to walk into the parlor web which the cunning spider-lobbyist weaves for him?

In almost every case the lobbyist was either the creature of some special commercial interest seeking support from the public treasury or else a professional who acted as an agent for persons having private claims against the government. In either case the methods used were underhand and generally corrupt.

. . . . The change in the lobby is very significant. One of the immediate causes undoubtedly was the reform of the rules of procedure in the House of Representatives that took place in 1911. The new rules served to break up the small clique in power and gave the representatives generally more control of procedure. This was a blow to the old lobby. It was patently impossible to attempt to cajole or bribe an entire Congress. Another reform in the legislative procedure that tended to improve the methods of the lobbyists was the adoption on the part of Congress in the early years of this century of the policy of holding on all important bills open committee hearings which the proponents and the opponents of a measure might attend and there state, frankly and publicly, their attitude toward the legislation under consideration. Only the hearings of the Appropriations Committee are now held in executive session as a general rule. By thus openly testifying before committees the lobbyists of legitimate interests can make their appeal to a much wider audience. Not only Congress but the whole country as well may know their arguments for a bill. The frankness of the legitimate interests makes it necessary for the questionable lobbyist to assume a like guise. It is not possible to work behind "closed doors" to the same extent. The general public is thus enabled to understand more clearly the forces that are interested in certain legislation.

Following closely upon this reform came the Seventeenth Amendment. The Senate had been in disrepute and had suffered in popular estimation from the scandals that notoriously attended the election of some of its members. It was looked upon as the guardian of special privilege. In fact, because of the "bossism" in many of the states, it was not a difficult matter for great financial interests to get their candidates elected by the state legislatures. Such elected lobbyists were much more valuable than agents working upon the outside. The constitutional amendment that went into effect in 1913 definitely did away with these conditions.

. . . . However, the action on the part of government that had the most direct effect upon the reform of the lobbies at the national capital occurred in 1913.

This was the extensive investigation carried on by both a House and a Senate committee as to the maintenance of a lobby to defeat the Underwood tariff bill.

. . . . Considerable light was cast upon the methods and activities of the lobbies in Washington, particularly the National Association of Manufacturers, and to a lesser degree the American Federation of Labor. Some petty roguery was exposed, the reputations of a few public men were injured, some notorious lobbyists were forced to leave town. No regulatory legislation resulted, however, and in the case of the Senate committee no report was made. Nevertheless, the results were generally salutary.

. . . . The reforms in Congress and the more enlightened attitude on the part of the general public toward political affairs serve to explain in some measure the decline of the old methods of influencing legislation. But they do not explain why organized groups should approach Congress at the present time.

. . . . The political party in the past has been the recognized agency through which the voter acted to have the government adopt one policy or reject another. It is still the chief agency, but it is not the organization that initiates programs or creates policies. It is the mere broker that accepts the planks of organized interests that promise to insure the most votes. The party puts up the candidates and measures that seem most likely to win elections. A democracy must have means of expressing the opinions and beliefs held by the citizens. Non-partisan associations of voters are meeting this need. Perhaps the chief explanation for the rise of these organized groups of voters, with an alert interest in legislation and politics, is found in the decline of the political party as a leader in opinion.

. . . . The Washington offices of the associations, societies, leagues, institutes, boards, and federations organized on a nation-wide scale today form the great lobbies in the capital. By comparison the representatives of corporations, the patronage brokers, the "wire-pullers," the crowd of old-style lobbyists pale into insignificance. The men with the power are these spokesmen of organized groups. Congressmen lend an attentive ear to their words. Often they lend a helping hand to their activities. These group representatives work in the open; they have nothing to hide; they know what they want; and they know how to get it. They work with precision and efficiency. The "old, sly, furtive, pussy-footed agents of special privilege trusts" have been pushed to one side. The great organized groups, which now in such large numbers maintain headquarters in the capital, constitute the lobby of today. They are the "third house of Congress," the assistant rulers, the "invisible government."

PRESSURES AND LOBBIES

(From *American Government and Politics*, pp. 146-150, Sixth Edition. Beard)

So far we have spoken of Congress as if it were merely a determinate body of representatives working at a given spot—the national capitol. In reality this is an illusion. Congress is a part of the living organism of American society—united with that society not only on election day but throughout the whole course of its proceedings. Each of the 531 Senators and Representatives is a personality, with a cultural heritage of his own, possessing immediate associations, including economic affiliations, with his constituents. In the process of winning his seat he has made commitments and formed ties which bind him as a legislator. After he arrives at Washington, perhaps even before, he comes under wider influences. Indeed

he may owe his election largely to funds furnished by the congressional campaign committee of his party—funds derived from sources outside of his district. Once in Washington he forms connections with his party in Congress, with an organization having national responsibilities and subject to forces operating on a national scale.

In the discharge of his duties the member of Congress is, therefore, under pressure from two directions—his constituents at home, particularly the local party leaders, and individuals and associations operating in Washington. And it must be remembered that various elements in his double constituency are themselves united by innumerable ties. The farmers, manufacturers, and trade unionists of his district have national affiliations, and national associations in their turn have local branches. All of them are welded into solid bodies by the postoffice, the telegraph, and the radio. Theoretically the member of Congress represents free and equal heads—all animated by a common aspiration—the public good. In reality he is under constant surveillance by powerful groups linked in chains throughout the country.

Considered according to type those groups may be marshalled in four classes—economic, professional, reform, and religious. To the first belong the industrial and trade associations, organized on a national basis, numbering about 1,000, and including all important divisions such as railways, oil, steel, retail stores, and public utilities. To this class also belong the farmers' organizations—the National Grange and the Farm Bureau Federation, for example. Under this head comes organized labor, directed by the American Federation of Labor and the Railway Brotherhoods. Functioning both cooperatively and independently is the Federal Employees Union, concerned especially with the hours, wages, and conditions of work in the government service. Likewise partly economic in character, various professional bodies—lawyers, engineers and architects for example—offer advice and counsel in technical matters. Not wholly disassociated from economic considerations is the American Legion, speaking for the veterans of the World War; for, besides its other activities, it is constantly concerned with appropriations for hospitals and pensions, conveying benefits to its members.

Acting as reform organizations not seeking economic legislation as such, at least directly, are literally scores of societies, large and small. Some of them lobby for bigger appropriations for the Army and Navy in the name of patriotism—the Daughters of the American Revolution, the Navy League, the Reserve Officers' Association, and the American Legion. Incidentally munition makers and shipbuilders rejoice in their activities. On the other side are several peace societies—which are usually branded with socialism, anarchy, and Bolshevism by their critics. In the reforming class may be placed the National Popular Government League and the People's Lobby, interested in developing popular government and in exposing the operation

of powerful economic interests in politics. Militant in its views, the National Woman's Party demands a federal amendment putting women on a strict legal equality with men. Less feminist in outlook and non-partisan is the League of Women Voters, which encourages the study of government and sponsors selected measures of legislation from time to time.

The fourth class includes numerous religious organizations—the Board of Temperance, Prohibition, and Public Morals; the National Catholic Welfare Council; and the Federal Council of the Churches of Christ in America. Although they deal primarily with religious and ethical questions, such associations occasionally take a stand on issues in other fields.

Several of these organizations maintain in Washington powerful staff agencies which concentrate their energies on advancing or blocking legislation. Without attempting to list them in order of importance, there is first the National Chamber of Commerce, a federation of the local chambers throughout the United States, with elaborate machinery for taking the opinion of American business men on measures arising in Congress. Not far away stands the large building which houses the American Federation of Labor, always indefatigable in its support of friendly legislation and its warfare on measures deemed inimical to labor's cause. Equally active are the nation-wide farmers' associations. Then descending to details we find each one of the leading manufacturing and mercantile branches represented in Washington and prepared to bring powerful influences to bear on Congress in season and out.

It is estimated that there are in all about 150 economic organizations (to say nothing of moral and religious reformers) which can place agents in the lobbies of Congress on short notice. Among them, for example, are the spokesmen of the coal, leather, beef, silk, glove, fertilizer, cotton, banking, wire, steel, express, drug, advertising, lime, and beet sugar interests. To the more or less permanent bodies may be added temporary associations formed and financed to advocate or oppose specific measures. Such, for instance, was the Cuban Sugar Lobby "exposed" in 1929 as operating against an increase in the tariff on imported sugar—in conflict with domestic sugar producers. All these interests have skillful and astute agents, paid large salaries, and granted generous expense accounts for entertainment and other purposes; one of them is said to receive as much as the President of the United States.

Experts in lobbying vary widely in their training, talents, prestige, and methods. Some of them are distinguished lawyers who are retained by corporations to file briefs with the committees of Congress, interview members, and otherwise make themselves useful to their employers. Other lobbyists are former members of Congress or federal officials, of deep experience and wide acquaintanceship at the capital, who may "practice law" in Washington or engage in some

nominal vocation. More recently there has come upon the scene a third type—"the high powered publicity expert," the ex-journalist, who specializes in "putting stuff over" through the newspapers and in attempting to frighten Congressmen by threats of antagonism or revelations in the press. Still operating, in spite of the emphasis on the new psychology, are the quiet, firm agents of special associations, who are expert in the statistics and technology of their business and rely largely on "the correct presentation of their cases" to the committees and members of Congress.

With respect to methods, those who seek to direct governmental action seem to be masters of the science and art of influence. They appear formally before committees of Congress to present facts, briefs, and arguments. They form "personal contacts," directly or through the social lobby, with "key" officials, Senators, and Representatives. They promise lucrative employment to politicians about to retire—especially to "lame ducks," as they are called, Congressmen defeated for reelection but still serving unexpired terms. They "build fires" behind recalcitrant members at home by instructing prominent constituents and local organizations, such as chambers of commerce, to deluge their representatives with telegrams and letters. They "release" to the press news "stories" designed to construct in the popular mind images known as public opinion.

Congress must always work, therefore, amid a vast net of agencies, having large sums at their disposal to spend in agitation and in maintaining research bureaus to accumulate facts favorable to their special concerns—agencies equipped with all mechanisms of modern society for bringing "pressure" to bear. Consequently there are students of government who boldly advocate giving up the fiction of political equality and suggest the incorporation of manufacturing, labor, agricultural, and professional interests in Congress itself.

But there are very grave difficulties in the way of creating a direct and legal representation of economic interests in Congress. It would involve radical changes in our form of government and is generally viewed as outside the range of practical action. Instead it is proposed by other observers of the new course that legislation should be enacted controlling lobbies. Several states have laws of this character and many bills of a similar nature have been introduced in Congress. Broadly speaking, they give a definition to lobbying and require all who come under that head to be officially registered, to reveal the names of the parties for whom they are working, and to describe the purposes of their operations. One measure laid before the Senate declares that a lobbyist is "anyone who shall engage, whether for pay or otherwise, to attempt to influence legislation or to prevent legislation by the National Congress." It defines lobbying as any effort to "influence" the proceedings of Congress by distributing literature, appearing before committees, or interviewing individual members of either house. Obviously such a measure, in its sweeping

terms, could in effect prevent nearly all citizen activities in connection with molding legislative measures. It might very well block legitimate efforts to make public sentiment and at the same time fail to suppress the more insidious forms of pressure and propaganda. No scheme will eliminate diversity of interests; government inevitably reflects them; and a general understanding of the situation is more likely to check undoubted evils than any type of legislation. Knowledge is the beginning of wisdom.

FARM BUREAU FEDERATION AND FARM BLOC

(From *American Parties and Elections*. Edward M. Salt. pp. 137-138)

Enough has been said to indicate the character and importance of organized groups in the community. Emphasis must be laid upon the fact that they tend not only to grow in number, but also to develop more effective organization and more finished methods. Through skillful propaganda, through a perfected technique in influencing public opinion or manufacturing a spurious public opinion they exert a tremendous pressure upon parties and upon the organs of government. On the whole, balancing the good against the evil that they do, they perform a useful, one might even say an indispensable, service. And yet in some cases their activity is pernicious, their power employed to subvert the very foundations of democracy. "The Constitution has been supplanted," says William Allen White, "and we have two kinds of government—our political government, which is supposed to be in the hands of a majority of the people; and a group of organized minorities, sometimes working together, sometimes at each other's throats, making a vast, uncontrolled, but tremendously powerful, invisible government—the government of the minorities. . . . The Congress of the United States and the legislatures of all the states are used as Olympic bowls for these great contests between the powers of invisible government. And the legally constituted members of governments are kicked around, tramped upon and sometimes thrown carelessly into the discard by the great illegal forces that stage the combat. . . . This government outside of government which we are building up in America in order that men of like minds may reach one another and form militant minorities may look harmless, but they are charged with dynamite. They are here, these new organs of government; they cannot be ignored nor destroyed, but they must be publicly controlled for the common good."

THE LOBBY

(From *Public Opinion and Popular Government*. Lowell. pp. 135-137)

The lobby opens another channel for private influence. Unfortunately the term includes many different operations, from those that are perfectly proper to rank bribery; and the very confusion caused

by the vagueness of the word presents an obstacle to applying an effective remedy for what is wrong. So far as lobbying at the legislatures means employment of counsel to argue publicly before a committee, it is free from objection. In fact it is an important aid to wise and just legislation. But when lobbying means the personal solicitation of individual legislators it has quite a different significance, even when there is no trace of actual corruption. It is an attempt to catch the member alone and persuade him in private by arguments that might be easily refuted by the other side.

Clearly in those matters on which opinion cannot readily be formed by current public discussion, where a careful weighing of evidence is needed, it is important that the members should be placed in a judicial attitude and surrounded so far as possible by the safeguards that experience has proved essential in judicial proceedings. What confidence should we have in the verdict of a jury if the parties were allowed to interview the several jurors in private; and why should we put greater reliance on the decision of legislators if this is almost their only source of information? So long, however, as the legislator is called upon to deal with vast numbers of bills that cannot be discussed in open session with anything like the fulness with which cases are presented to a jury, it is impossible to prevent the people interested from bringing matters to the attention of members by talking to them. Something can be done, and has been done, in several of our states, to regulate the practice of lobbying, by distinguishing between counsel retained to argue before committees and lobbyists engaged to interview privately. The registration of such men in different lists gives the member a chance to know that the person who approaches him is a paid agent employed to advocate a cause. If this does not place the legislator in a judicial attitude, at least it puts him upon his guard.

THE LEGISLATURE AT WORK

(From *Introduction to American Government*. Ogg and Ray, pp. 621-622)

In conclusion, brief mention should be made of the lobby, which is perhaps the most powerful of all influences shaping state legislation. "The lobby" is a collective term applied to the people who undertake to persuade the members of the legislature to oppose or to support measures which are coming up for consideration; a man or woman who makes a practice of this sort of thing is called a "lobbyist," and the practice itself is known as "lobbying." The term must not be taken to imply the corrupt use of money, or indeed any improper motive or conduct. On the contrary, it often happens that where the lobby is most industrious, numerous, and successful, corruption is wholly absent; lobbying is often of great educative value to legislators who are personally unacquainted with the merits or defects of pending bills. There are, in fact, two well-defined classes of lobbyists.

The first consists of perfectly honorable men and women who adopt open-and-above-board methods of influencing members of the legislature. The other is composed of the "harpies and vultures of politics," consisting usually of paid attorneys of corporations, and including many former members of the legislature, who understand the inner workings of the legislative machinery. It is this second class, very largely representing special interests and employing means more or less corrupt, that gives the lobby a bad name; it is perhaps the chief cause of undesirable legislation and of the defeat of measures framed to promote the public well-being.

From the vantage point of one who has long been a student of government and has had much practical experience as a member of a state legislature, it is asserted that "the system of lobbying in legislative halls in America ought to be sharply scrutinized and modified. The lobbyist ought to be put under strict rules, and in the event of a clearly substantiated and deliberate misrepresentation made to a member of the legislature or any committee, or in the event of the use of deception and disingenuous methods, should be subject to the penalty of disbarment which a lawyer suffers when he misrepresents facts to a court. The modern lobbyist holds a more intimate relation to the course of legislation and to the ultimate effect of it than either the lawyer or the judge. The lobbyist is in a position to tamper effectively with law at its source. . . ." Although some efforts have been made to regulate the lobbyist's activities by legislation in New York, Massachusetts, Wisconsin, and a few other states, little has been accomplished, and this continues to be one of the numerous unsolved problems of American state government.

THE MARCH OF EVENTS

(From *World's Work for December, 1929*, pp. 34-35)

THE "FIFTH ESTATE." All the nation has been entertained recently by the Shearer investigation culminating now in an even more illuminating inquiry into lobbying generally. It is high time that the study be made and that the facts be revealed, so that the people may understand the extent to which efforts are made to influence the action of Congress and the executive departments.

There has been lobbying ever since the foundation of the republic, but never to the extent that it is practiced today. No less than 1,000 lobbyists of all classes are actively engaged at the seat of the government, comprising a "Fifth Estate" that has had mushroom growth. A great number of headquarters and offices have been established in the capital, particularly in recent years. They represent many trade associations, manufacturers, labor organizations, farmers, patriotic societies, prohibition organizations, anti-prohibition forces—a list that could be extended indefinitely. Out of the growth has come a

mass (perhaps "maze" would be more nearly correct) of paid employees, secretaries, and officials having all sorts of titles. Then, too, these organizations have retained an exceptionally large number of lawyers and publicity agents, all of whom are intent on influencing Congress and the executive branch of the government.

The movement is not all bad. It is an evolution of American life. This is a time of high specialization having some real fundamental value, but with the transition that has occurred have come certain evils which should be wiped out. There are two questions of uppermost importance. One is whether the organizations with headquarters in Washington truly represent the people. The other is, Whose money are they spending? A public accounting is in the interest of good government. Each and every individual and organization practicing before Congress or in the departments should make a sworn statement setting forth who subscribes to their funds and how much each individual, concern, or organization expends. There can be no valid objection to their presence or to the activities in which they engage, if they conduct themselves in a legitimate, businesslike manner, but there is ground for most violent objections, if all the facts incident to their connections and to the funds which they disburse are not made publicly known.

Another consideration is deserving of emphasis. It is the employment of former members of Congress in varying capacities. Upon the expiration of their terms, numerous Senators and Congressmen remain in Washington, instead of returning to their home states. They open offices in the city, capitalizing acquaintances they have made and the experience they have gained. There can be no legal, perhaps no moral, objection to their activities, unless, of course, they abuse privileges accorded to them. Unfortunately, there has been evidence of such abuse. A former member of Congress is accorded the privilege of the floor of the branch in which he served. Occasionally a former member has been known to go onto the floor during debate over legislation on which he has been working for a client. Such a practice should not be permitted. The rules should be amended to guard against occurrences of this kind.

The investigation, if conducted thoroughly, will reveal various degrees of evil. It will reveal as well the gullibility of the successful business man. Masters of finance and industry ought to have the good sense to go to Washington personally to plead their own cases, instead of hiring a lawyer or publicity agent who may be wholly honorable or who, by the same token, may be discredited. What they would say before a congressional committee or at a departmental hearing would carry more weight than some high-powered lobbyist with a gift of gab who makes an excellent first impression on business executives but who has been catalogued and card-indexed long since by men in public life.

The inquiry that has started should spare no one. The members of the committee conducting it have two tasks confronting them—first, to make all the facts known, and second, to draft a code of practice for all persons having business before the government.

AFFIRMATIVE MATERIAL

TEARING OFF THE MASK OF THOSE "PATRIOTIC" LOBBYISTS

(From *The Atlanta (Ga.) Journal*, reprinted in *Congressional Record*,
Nov. 21, 1929, p. 5886)

If Senator Caraway's excoriation of lobbyists seems rather too sweeping, it should be remembered that as chairman of the committee investigating those servants of special interest he has had to do with the most insolent and the least scrupulous of them all. He has heard a Grundy, who collected millions of dollars for the benefit of Republican politicians and millions more for influencing tariff legislation, declare, "I am a lobbyist and proud of it." He has heard from the lips of the very actors in the dishonorable drama how an employee of the Connecticut Manufacturers' Association was covertly placed on the Government pay roll and admitted into secret sessions of the Senate Finance Committee when it was framing the tariff bill; and has heard them blatantly pretend to justify such conduct. He has heard an agent of the so-called Southern Tariff Association admit, under pressure of repeated questioning, a project to "blacken" the Democratic Party by putting negroes on its ticket in Northern and Eastern States—a clever scheme indeed to relieve the Republican organization of a long-standing odium in southern eyes, and one worthy of Bishop Cannon himself. Fresh from such disclosures, Senator Caraway naturally spoke with keen feeling of the whole lobbying tribe.

"In the last analysis," said he in a radio address at Washington, "theirs is an attempt to control government and direct it into the channel into which they wish it to flow. And all those who contribute to lobbying enterprises, whether the lobbying be carried on by maintaining elaborate offices here and seeking by personal contact to influence legislative and executive action or by publicity and propaganda waged throughout the United States, by whatever method pursued, the ends sought are the same, to induce the Government to act, or not to act, as they shall direct. Do not both infringe the constitutional rights of the great mass of unorganized American citizens called the public? * * * Everyone who contributes to a lobbyist, whatever be his method, seeks advantages and in his heart must realize that he is engaging and joining with others who are acting with him and contributing to a like cause, to influence government. I say that if he shall succeed in demonstrating that government can be thus controlled does he not invite those who desire to use government for selfish ends, to employ the same methods, if not the same instrumentality? * * * I am not unmindful that those who

believe that their efforts have or will result in public good may be offended if they are bracketed with such men as Burgess, Grundy, Arnold, and the like; and I am glad to declare that as far as their motives are concerned there is no kinship; but each finds himself engaged in the same effort—that is, to influence the action of government and have it accept his view and travel the course which he marks out. Each is accomplishing the same result—the destruction of the confidence of the public in the integrity of government. * * * If all who contributed could but see the instrumentalities employed and the men and women who manipulate them, the millions of dollars that annually flow into Washington to the lobbyists congregated here would cease. The Government would be permitted, as it should, to wield its power only for the common good, because if those whose motives are irreproachable should withdraw their support from the lobbyists and the propagandists the white light of publicity would beat so strong on the evil ones that they would slink back into the darkness from which they came. * * *

“The great majority of lobbyists—and there are four and a half pages in the telephone directory of Washington taken up with their listings—are parasites. They represent only organized greed. They gather in the widow’s mite and the children’s pennies and appropriate them to their own use. Lobbyists of this kind, and they are the most numerous, would represent any cause or betray any interest as personal profit might direct.”

It was the cunning father of the device to “blacken” the Democratic Party as a means of helping the Republican opposition, who boasted that he “sought money from all sources and refused it from none.” And just that is the policy of the lobbyists whom Senator Caraway denounces. The Senator has done the country an inestimable service in thus tearing away the mask of hypocrisy and pharisaism behind which these adventurers operate. Some of them affect a profound concern for the prosperity of the workingman, some a pious devotion to the interests of the church, and of moral causes. But behind such pretenses they are really serving the profiteer, promoting tyranny, betraying American principles, breaking down public confidence in government, and above all lining their own spacious pockets. The time has come to scourge them from the Capital, as of old the sordid money changers were flogged out of the temple.

THE MILLION-DOLLAR LOBBY

(Excerpts from *Nation*, Vol. 126, No. 3280, May 16, 1928)

The Joint Committee of the National Utilities Association, composed of the National Electric Light Association, the American Gas Association, and the American Electric Railway Association, maintains in Washington a gigantic lobby which in each of the past three

years has spent in excess of \$1,000,000 to oppose government ownership—"to represent the utilities companies . . . on all matters of pending legislation before Congress," was the polite phrase used by the Joint Committee's general counsel. This million-dollar committee has been the heart and soul of the opposition to federal development of Muscle Shoals and Boulder Dam; and it has ex-Senators, ex-ambassadors, ex-governors, newspapermen, and universities on its pay roll.

The lobby paid \$7,500 to Richard Washburn Child, former United States Ambassador to Italy, to prepare an unsigned "booklet" opposing federal development of Boulder Dam. It paid Ernest Greenwood, former American agent of the League of Nations Labor Office, an "initial fee" of \$5,000 to write a propaganda book, "Aladdin, U.S.A.," published by Harpers. It paid ex-Senator Lenroot of Wisconsin at least two fees of \$10,000 each to lobby for it among his former colleagues. It paid the law firm of Meecham and Vellacott of Albuquerque, New Mexico, \$5,299.66 to "report" the Governors' Conference on Boulder Dam at a time when Merritt Meechem, former Governor of New Mexico, was supposed to be representing the State of New Mexico at that conference. It paid the General Federation of Women's Clubs \$30,000 for an "urban and rural home survey." It paid the Harvard Graduate School, in the three years \$62,000 for "research" which, after study of the views of the responsible professors, it felt safe; and after equally careful study of the professorial field it contributed at least \$62,500 (perhaps \$95,000) to Northwestern University, \$12,249.37 to the University of Michigan, \$3000 to the Massachusetts Institute of Technology, \$5,000 to Johns Hopkins University, and \$33,000 to Harvard University. It has twenty-eight committees working in thirty-eight states, teaching that "government ownership is the masked advance agent of communism."

Samuel Insull—the same Insull who tried to buy a seat in the United States Senate for Frank L. Smith of Illinois—is the largest individual contributor to the million-dollar fund, but one-quarter of all the utility companies in the United States contribute to it.

This national committee is only the capstone of the enormous propaganda structure maintained by the public-utility companies. The Illinois Committee on Public Utility Information, founded by Mr. Insull, was one of the pioneers in the field, and it is admitted to have served as a model for the work in more than a score of other states. It was Rob Roy MacGregor of this committee who, when asked how to campaign against a Senator who believed in public ownership, penned the famous memorandum explaining: "My idea would be not to try reason, or logic, but to try to pin the Bolshevik idea on my opponent."

Mr. MacGregor's committee was the pathfinder in work in the public schools. It began with a thorough study of textbooks dealing

with public-utility questions. It circularized local companies urging them to set to work on local school boards and through personal friendships to have "bad" books removed. This, it reported, "is a very slow process but has to be gone through with." Then it sought to prevent the publication of more "bad" books. It urged its members to work through "personal friends in publishing houses." It wrote letters to the universities and discovered just which professors were writing on the subject. It offered these budding authors the honeyed bait of "reliable statistics" together with aid in getting their books marketed. "We have located," the industrious committee reported, "practically every textbook and also have found the textbooks in course of preparation, and have been able to be of considerable assistance to the writers of these books in providing them with reliable data." Finally, as a result of persistent effort, B. J. Mullaney, of the Illinois committee, was able to report that it had got to the point where *"635 Illinois high schools, more than three-quarters of the total number, use specially prepared utility-industries literature in the classrooms."*

In Connecticut a similar committee planted more than 10,000 grossly false public-utilities "catechisms" in seventy-six high schools; and in Pennsylvania 30,000 sets of pamphlets, four to a set, were distributed among county superintendents for use in the schools. Presumably similar practices have been followed in other states, but the witnesses have not yet appeared on the stand.

The energetic Illionis committee not only arranged for its own selected speakers (1,137 speeches in eighteen months) and distributed its tons of literature (5,000,000 pieces of literature before it was two years old); it circulated blacklists similar to those used by the D. A. R. in the hope, apparently, of keeping the public-ownership point of view from any expression whatever. It even prepared pamphlets for its agents on *How to Talk to Grade School Pupils*.

"Is there any method of publicity not used by your organization?" Judge Healy asked one of the propagandists.

"Only one that I know of," he replied "and that's skywriting."

Of course, the newspapers were a rich field for cultivation. Perhaps that explains their lack of interest in the investigation. The Illinois committee mails a weekly news service to 900 newspapers in Illinois. Keeping tab on its utilization has become expensive, but in its first year an average of 5,000 column-inches of material prepared by the utilities committee lobby was printed every month in the Illinois newspapers, and the second year, when the clipping service was discontinued, the rate was running higher still. The New England lobby reported that in 1927, 7,203½ column-inches of its material—enough to fill 56½ eight-column pages of solid reading matter—had appeared in the news columns of New England papers, and 1,584 column-inches in the editorial columns!

Mr. Mullaney estimated that the utilities companies spend from \$25,000,000 to \$30,000,000 annually in direct advertising, and all the committees showed themselves insistent that local-utilities advertisers should maintain their contacts with local editors. One of the most disheartening revelations of the investigation was the letter written by the advertising manager of David Lawrence's *United States Daily* suggesting a \$200,000 advertising campaign in that paper, and outlining a program by which the bills could be charged to fifty-two local companies, "so that there could be no possible ground for criticism on the ground that one organization or institution was conducting a general campaign." It is fair to Mr. Lawrence to add that his paper, although somewhat belatedly, has been printing the verbatim testimony before the Federal Trade Commission. Furthermore, it did not get the \$200,000 advertising contract.

IF THEY HAVE THEIR WAY

BY HERBERT QUICK

(From *Saturday Evening Post*, May 21, 1921)

When Mr. Edward G. Lowry was giving us the information that every sixty-eighth person in this country old enough to earn a living is working for the United States Government I wish he had added up the numbers of people in the army, navy, state, city, town, county, village and township employ. Thus the whole government pay roll would have been taken in. Each of us could then have told what part of a person he has to support, in addition to his own family. It would be a goodly fraction. And I wish he had given us what the economists and statisticians call a graph—one of those sheets with squares all over it, and figures along the edge, and wiggly lines climbing up and down and across. Such a graph would perhaps arouse angry passions, but sometimes that is just what the country needs.

With such a chart the wayfaring man, though a fool, as most of us are, in a manner of speaking, could compute how long it will be at this rate before we shall all be working for the Government—a Leninish consumption devoutly to be avoided. But the present writer is not permitted to draw the many interesting conclusions which yearn to be pointed out. Working for the Government is a great industry; but my theme is another great occupation—that of making a living by telling the Government how to govern. Anyone may take it up. There are great opportunities in it, for it is growing fast, this good loose trade of working on the Government while it governs. And when the rapidly approaching time arrives when everybody will be working for the Government, thus making a living by marceling each other's hair and shaving each other, these unofficial governors of the Government will naturally be the floorwalkers, shift bosses,

foremen and department managers. That may be why they are hopping in such an amazing way to this good loose trade now under discussion.

The accepted idea of the way the Government is swayed by outsiders is that it is done by the old-fashioned lobbyist—a dark man with a bundle or a woman with a pull—all working in subterranean ways. But it is not of underground lobbies I speak. I sing the bureau, the conference, the institute, the committee, the league, the legion, the brotherhood, the sorority, the association, the congress, the people with the offices in the Munsey, the Southern and other office buildings. Not dark men are these, but bright archangelic creatures who, instead of lurking in lobbies, have lobbies of their own. Instead of burrowing underground, they soar in the empyrean. Instead of doing corrosive work on our institutions in silence, they have trumpets blown before them as they attend hearings, and the more of the pipe and timbrel and instrument of ten strings there is in evidence, the better it suits them. And every one of them, fellow citizens, represents either nothing at all, which is often the case, or an organized minority, a special instrument, as against the great unorganized majority—which means you and me.

The Collar Button War

I wonder if I can make the non-Washingtonian understand. Perhaps the history of a joke will suffice—for jokes, mind you, are always realities with the reverse English. A few of us one evening were dining in Washington at that period of the war when the watchword was to save not only civilization but leather and clothes and rags and paper and old iron and everything. One of our party, having grown weary of some of these importunities said that he had in mind a typical scheme for economy. He was organizing the American Association for the Conservation of Collar Buttons. The rear collar button, our satirist said, and proved, is unnecessary. Think of the aggregate in gold and filling and labor wasted in this indulgence! He had already in mind a man who would underwrite this association—that is, he would give us his name, for we all were ready to join by this time, and by reason of our using his name he would let us have a part of his bank account. Of course, we would have to have a badge—something that would call attention to the saving we were effecting. And for a badge, what more chaste and expressive than a collar button worn in the lapel of the coat?

But before we had gone to the badge stage some of us were to sound the alarm in the ears of the manufacturers of collar buttons and urge them to repel this attack on their business. Thus would be organized the National Collar Button Institute, and the names and the bank accounts of the manufacturers, too, would thus be utilized.

Both the Anti-Collar-Button Association and the Collar Button Institute would have Washington officers with you-know-who in charge, with secretaries, economists, statisticians and clerks, and experts to attend hearings on such bills as we should see were introduced to accomplish our ostensible objects. And all this time the number of collar buttons worn would be exactly the same as if nothing had been done. Just a bit of persiflage, you say? Nay, it illustrates perfectly the workings of this new, good loose trade. Here's a true one—no, I shall not tell exactly what the industry is, for the boys were not and are not conscious of doing anything out of the ordinary. It was just a job with them. So let us call it the Bureau for Extracting Sunshine from Cucumbers. That is near enough, and is recognizable by any person in the trade; but remember that aside from the subject matter, which I have masked, I am narrating facts.

Two newspaper men were out of jobs—and let us note here that many of these organizations which we may for want of a better name call job bureaus, as well as some which are the real thing in power, are operated by newspaper men. These two young men organized a nice job bureau which they called the Bureau for the Extraction of Sunshine From Cucumbers, and soon had a national organization, with offices in Washington, experts, engineers, stenographers and the rest of it, and representatives to appear at every hearing before any committee which could by any stretch of its authority be regarded as dealing with the cucumber-sunshine question. Bills were introduced, new congressmen intimidated, and old Solons labored with when they could be got at. Reports and circulars were sent out, and the membership grew rapidly and extended not only to those who intended, when the law passed, to enter the cucumber-sunshine business, but to owners of cucumber patches, actual or potential; and the drainage and irrigation of potential cucumber lands was just about to be taken up by the boys, when something happened. The very worst happened. Congress passed their law! Alack and welladay! Ruin stalked abroad. There was no more leaguings and bureauing to do. There was one bureau the less. The boys were ruined by success, and had to go back to work again.

The secret of a successful job league very often lies in having an issue that can never succeed. I remember a fine old gentleman who must have shuddered at his narrow escape from success. I never knew a more industrious job institutist. Three experienced legislators out of four would run from him as from the Old Man of the Sea, to whom he bore some resemblance.

He did lots of good. He had a good case. He presented it ably. He championed an idea when it was in the agitational stage, and he did it very well indeed. Finally an awful day came. *Dies irae!* Disaster faced him. His law was about to be passed! He was facing

the calamity that overtook the sunshine-from-cucumbers organization, the worst misfortune which can come to a man in the job-council business—he faced success. But he was wiser than those boys, and he escaped. General Grant lost thousands of men in making his change of base from the York to the James, but our nice old job committeeman made quite as radical a change of base in the face of the enemy, without the loss of a man or a dollar, so far as I know. He trumped Fates ace by shifting the demand of his bureau to a demand for something that could never, never come to pass. And he got by with it.

All Sorts and Conditions

Let me not convey the thought, however, that the job bureau is the only sort engaged in governing our governing bodies. This would be a very gross error. There are institutes, committees, conferences, leagues, headquarters, and the like. Neither are the bureaus without good causes, nor bereft of important causes that are bad. Some of them are great luminaries, shedding light on their subjects, and an occasional gleam on Congress or the Cabinet or great divisions of the Government or even the White House itself. Some are like those heavenly bodies that give no light, dark stars, which exert a gravitational pull on the luminaries. When you see a great governmental light wabbling or swaying out of its grand, promised and pledged orbital sweep, it is fair to consider whether or not the eccentricity is due to the pull of one of these unseen dark stars. But whether the bureau works in light or in darkness, whether its cause is bad or good, it is an organized minority, working for laws and regulations to apply to the persons or pocketbooks of us—the great unorganized majority. This is the real point.

Nearly all these numerous bureaus have offices. Perhaps a majority of the offices are in Washington. Some have names that are self-explanatory. Some have no names at all. Some wolf bureaus have sheep names. Some that were originally job federations merely have grown until they represent much more than bread and butter for their organizers. Some are in the transition stage between mere ostensibility and the real thing. Many of these bureaus and societies have been organized by sincere people who strive to make them something better than mere jobs, and some are run by consecrated souls who stick on year after year at beggarly stipends wrung from reluctant contributors to the great cause, when they could go out into the world, and by an equal outlay in brains and energy make what the average man would call a success in life, instead of what to the world's eye looks like a failure. Some actually get smaller pay than the university-educated technical research workers of the Government, if you can believe it! Some of them I greatly

admire. Some, I suspect, ought to be deported. Anyhow, they represent organized minorities, even those to which I belong.

ORGANIZED LOBBYING

(From *Law Notes*)

There are several movements extant which attack directly the theory of representative government and seek to substitute some form of pure democracy. Many leading members of the bar have taken the field in opposition and maintain that the representative system is the best available method of expressing the popular will in law. Whatever may be the merits of this controversy, the advocates of representative government seem to be insensible to the fact that it is now in peril not so much by reason of any direct assaults as from the abuses due to organized professional lobbying. It is well known that several organizations maintain regular representatives at state capitols and it has been said that their activities even include an investigation of the private lives of legislators. Large sums of money are collected and used annually by these organizations; how large cannot be said because every attempt to investigate has thus far been successfully resisted. However, occasional reference has been made publicly to single gifts running into tens of thousands. The expenditure by the agent of one association of a considerable sum of money in a manner which he refused to explain even to the directors of his own league has recently attracted some public interest. Probably no limit can reasonably be placed on the expenditure of money to bring any matter to the attention of voters, so long as bribery or other forms of corrupt influence are avoided. When representatives are being elected, any body of men is warranted in the utmost activity to secure representatives favorable to their views. But when the representatives are selected, attempts to influence their action stand on a wholly different footing. It is however a little difficult to formulate a limitation in efforts to influence legislation. The work of the Conference of Commissioners on Uniform Laws, the Bar Association, and the like would fall within any general prohibition. A community or a business interest must have the right to seek legislation, or to oppose measures deemed to be destructive. When it comes to methods, the line between argument and coercion is so narrow that the building of a criminal offense thereon is probably impracticable. The abuse however is growing to such an extent that if it is not curbed it will destroy representative government. As a possible solution, is it not feasible to enact that the legislature shall, on a proper petition, grant a public hearing on any pending measure, and that any attempt to influence legislation privately even by solicitation shall be a criminal offense? No influence other than a presentation of the intrinsic merits of a measure should ever be exercised on legislators, and this result can be secured

only by requiring all representations to be made in public and on a stated occasion. In other words, the executive and legislative departments should proceed in the same manner as the judicial, which denies to no interested person an opportunity to be heard, but visits with stern penalties the least attempt at private solicitation. There is no more reason for permitting a legislator to be influenced privately than for permitting like influence on a jurymen. There is no more justification for maintaining a league at the capitol to obtain favorable legislation, than for a similar league to obtain favorable decisions from the Supreme Court.

RAISING CANE IN WASHINGTON

BY ARTHUR WARNER

(Excerpts from *The Nation*, Vol. 130, No. 3366, January 8, 1930)

The most enlightening details in regard to the procedure of the sugar lobby are contained in the correspondence of Mr. H. C. Lakin as dug up by the Senate sub-committee. For instance, there is a letter in regard to stirring up opinion in Latin American countries, of which Mr. Lakin admitted on the stand he was ashamed. It was written on March 5, 1929, to Rafael Sanchez Aballi, Secretary of Communications of Cuba. It ran in part:

According to my views, one of our most important arguments is that other Latin American countries will claim that if Cuba's close relations to the United States result in damage to Cuba, they had better fight shy of having a similar thing happen to them. Therefore, it seems to me that it would be a good thing to call the situation to the attention of the appropriate persons in other Latin American countries. . . .

Thus far only one company which I have approached has failed to contribute. Mr. Shattuck tells me that he was anxious to have some Cuban contributions, but I think that for the present it is better to leave the responsibility to the American companies, especially as the members of Congress are very sensitive about any foreign interference with what they regard as a purely national matter.

There was also a letter to Señor Aballi suggesting that "it might really be a good thing if a committee of Cuban Masons should go quietly and without any publicity whatever to members of Congress who are Masons." Mr. Lakin thought still better of a letter sent by Cuban Rotarians to all Rotary clubs in the United States. "This letter is likely to have more influence than the undertaking of the Masons," concluded Mr. Lakin, "because the Rotary clubs are formed on the basis of economics instead of fraternal relations." In a letter to J. M. Tarafa of Cuba Mr. Lakin said:

I have raised a fund of over \$85,000 to conduct the fight. Some of the money will be used for publicity and some for employing people who have a certain amount of influence

in Washington. Our chief reliance will be on Mr. Shattuck, who is a very intimate friend of Hoover, and has already talked with Hoover about this subject.

Referring to Senator Smoot, Mr. Lakin said that he

was very emphatic in stating that the Philippines are the most dangerous competitors of the United States Producers. He had many facts and figures which he supplied to me and urged me to advertise as widely as possible the desirability of limiting the Philippines to 500,000 tons. He stated very, very specifically that he proposed to make a big fight on that point. Of course, at that time it was not thought that Stimson was to be Secretary of State.

A most revealing letter was written by Mr. Lakin on March 4, 1929, to the secretary of President Machado of Cuba. The secretary, expressing, of course, the idea of his chief, had suggested a commission to go before Congress. Mr. Lakin agreed and named George A. Zabriskie, president of the United States Sugar Association, Mr. Shattuck, and himself. Of this stalwart trio he wrote that they were "as near to President Hoover as you are to President Machado." Mr. Lakin described a plan in regard to sugar to be presented to the Senate and then went on to say:

With members of the House of Representatives we are not suggesting any formal plan whatsoever. We are attempting to create an atmosphere of doubt in the minds of Congressmen in order that their recommendation shall be either a reduction in the duty or leaving the duty at its present rate or making any increase as small as possible. There are political reasons for this plan which I cannot appropriately put into a letter.

The letter said further:

The plan is an attempt to put into particular form some general principles with which we know President Hoover is in sympathy. Our knowledge of the desire of President Hoover is accurate but naturally the sources of our knowledge should not be stated in writing. This particular matter of a plan for helping both the beets and Cuba is strictly one we must leave to Mr. Shattuck's discretion. . . .

It is the custom of the beet interests to maintain a lobby in Washington. I think that eventually the Cuban interests should have a permanent office in Washington, but the fact that Cuba is a foreign country makes the old-fashioned lobbying dangerous for it to undertake.

I do not approve of unguided entertainment of members of Congress. That form of lobbying is no longer fashionable in Washington.

That Mr. Lakin was in cordial coöperation with President Machado is evident from a long letter from the latter in which Mr. Lakin is praised for his efforts and the Cuban executive says in effect: "On with the dance."

Mr. Lakin's most specific reference to the way in which President Hoover helped the sugar lobby is contained in a letter written on April 16, 1929, to Mason B. Starring. Mr. Lakin said that he was informed that a majority of the Ways and Means Committee was opposed to an increase in the sugar tariff and he thought that three of them who were in favor of higher duties—Representatives Bacharach of New Jersey and Watson and Estep of Pennsylvania—"might be induced to change their votes."

Several members of the committee have appealed to President Hoover and he has instructed his secretary, Mr. Newton, to establish a contact between the committee and ourselves [the letter continued]. I understand that some suggestion of this came from the individual members of the committee.

When Mr. Shattuck himself was called before the Senate subcommittee he denied the accuracy of some of Mr. Lakin's statements, but his answers to questions were not always direct and he failed to shake the general impression left by previous testimony except to emphasize the natural probability that Mr. Lakin had exaggerated certain aspects and had misunderstood others.

"Is there any testimony in the record about your relationship with Mr. Hoover that is untrue?" Senator Blaine asked.

"No, but I think a great many statements have been permitted from which improper inferences have been drawn," replied Mr. Shattuck. "I have never discussed the sugar tariff with Mr. Hoover," Mr. Shattuck continued. "I have discussed the sliding scale with Mr. Newton, Mr. Smoot, and others." And then Mr. Shattuck added: "Some people might think what Mr. Newton said was the same as what the President said." Indeed they might—not unreasonably.

The lobbying activities of General Crowder in behalf of Cuban sugar growers had not been revealed directly up to the Christmas recess of Congress, but the correspondence of Mr. Lakin throws enough light on them to put the former army officer in an unhappy position. Mr. Lakin was a business man, having at least the excuse of his company's interests to justify his lobbying. But that a retired army officer of high rank should have resorted to so shabby a method of turning an extra penny as did General Crowder can be a source of little pride to any American. In a letter to the secretary of President Machado of Cuba, dated March 15, 1929, Mr. Lakin spoke of General Crowder's doings as follows:

General Crowder, at my request, has agreed to remain in Washington for two or three months. Of course, you know that his position in Washington is one of the highest.

He is received everywhere. He has prepared a strong argument on the Philippines matter. He had a translation made, which the Ambassador has sent to President Machado. I hope you will see that memorandum and discuss it with

President Machado, and as a special favor to me, I wish you would ask President Machado to write a personal letter to Crowder congratulating him on the memorandum and thanking him for agreeing to devote himself to the Cuban cause in Washington and explaining to Crowder the President's belief that Crowder will be of great advantage to Cuba in this matter.

To which Mr. Lakin added this delicious—if not malicious—morsel: "Of course, you know Crowder, and a little praise of this sort will do a lot of good and make him enthusiastic."

That General Crowder's lobbying was not lacking in fineness is evident from a note which he wrote to Mr. Lakin saying: "I discussed with Mr. Shattuck the opportune time to see Smoot and contribute what he could toward perfecting sliding tariff, but always with the idea of making Smoot father the proposition in the name of beet sugar, as a means of giving it added strength."

LOBBIES IN THE STATES

MESSAGE OF GOVERNOR LAFOLLETTE TO THE WISCONSIN LEGISLATURE, MAY, 1905

(From *Readings in Public Opinion*. W. Brooke Graves)

To the Honorable, the Legislature:

Upon the assembling of the Senate and assembly in joint session at the opening of the Legislature on the twelfth day of January, 1905, in the message then submitted, among other things presented for your consideration, I said:

I am not unmindful of the fact that the members of the legislature are the agents of their constituents; that they must ever be ready to be made acquainted with their wishes and with the interests of the public. But that a system of lobbying, more reprehensible in its character than has yet been suggested to the public, has been maintained about this legislature for many years is well known to every man in public life. That it is desirable to put an end to this evil, all will agree. That it is possible, all should be anxious to demonstrate.

I desire to be distinctly understood as favoring the fullest and freest discussion before committees, and, under proper regulations, before either or both branches of the legislature, by individuals or the representatives or interests affected, or which claim to be affected in any manner by proposed legislation, but *I urge upon your consideration the enactment of a law that shall make it an offense, punishable by the heaviest money penalty and by imprisonment as well, for any lobby agent or lobby representative, employed and paid for his services by others, to attempt personally and directly to influence any member of the legislature to vote for or against any measure affecting the interests represented by such lobbyist.*

No one acquainted with the facts will venture to deny that the lobby has been very potent in legislation for many years in Wisconsin.

Session after session the schoolbook lobby has suppressed or defeated legislation inimical to the interests of the schoolbook monopoly.

Our laws upon trusts are weak and impotent. They serve merely to foil the enactment of something better. For three successive sessions I have urgently recommended revision and have submitted plain and specific recommendations for effective legislation. A hostile lobby has found a way to block all legislation upon the subject.

A telephone monopoly has for years, through the services of a paid lobby, prevented the enactment of a statute which would have given the people of this commonwealth a competitive service and assured them a reasonable rate.

Without going back over that period of time covered by the impudent boast of a railway lobbyist, proclaimed in this capitol, that "No bill has been enacted into law during the sixteen years last past in the interests of the people when objected to by the railroads,"—without going back further than the service of many members of this legislature extends, it admits of no denial that the railway lobby defeated the bill to increase railway taxes in 1899, that it defeated the bill to increase railway taxes again in 1901, that it defeated the bill to create a railway rate commission in both of those sessions and again in 1903. The railway lobby maintained at this capitol since 1899 has cost the people of Wisconsin millions upon millions of dollars.

At this session, and at every session for years, paid lobbyists have been employed about this legislature, by the railroads, who are incompetent to argue any proposition before a legislative committee. They are a grade of men with whom the railway companies would not trust the trial of a petty damage suit in a justice court. They dog the footsteps of legislators in and out of the capitol, they follow them to their rooms and hotels, they are free with entertainment. It is their business more especially to see legislators personally. Their special talent seems to fit them more particularly for private argument. Their presence is an annoyance and a nuisance. Their employment here should constitute a statutory offense.

The experience in Wisconsin is duplicated in every state in the Union where effort is made to emancipate legislation from corporate control. Governor Larrabee, writing of the long struggle which preceded the establishment of the Iowa Rate Commission, said of the railway lobby the following: "If the items annually expended upon railroad lobbies were reported, these lobbies would soon be frowned, or even hissed, out of the legislative halls."

This legislature can at this session,—and who will assume the responsibility of saying it is not high time that it should at this

session put all paid lobbyists under regulations that will make such scenes as have been notorious in the capital city of this state for years, impossible for all time to come. I would neither recommend nor approve of a law interfering with free and full public discussion of all measures of proposed legislation. Every opportunity and every courtesy should be extended to those who favor and to those who oppose any pending bill for open public discussion before committees and in either chamber before legislators and the public. Every legitimate argument which any lobbyist has to offer, and which any legislator ought to hear, can be presented before committees, before the legislators as a body, through the press, from the public platform, and through printed briefs and arguments placed in the hands of all members and accessible to the public.

Corporate interests can maintain a strong lobby composed of able men at the capitol throughout the entire session. Those who would be heard in opposition cannot. How unjust it is to hold a public hearing, invite both sides to present arguments, and then when the hearing is over to allow the permanent lobby to continue the discussion with individual legislators personally through weeks of the session thereafter, without those opposed being present to hear and refute arguments. Leaving aside all question of any improper suggestion or inducement being presented in a personal or private interview with a legislator, consider how unjust it is to the opposition and to the public to accord to one side such an advantage when it is denied, or impossible, to the other. . . .

Respectfully submitted,

ROBERT M. LAFOLLETTE, *Governor.*

LOBBIES FOR LOOT

BY RUBY A. BLACK

[Excerpts from *The Nation*, Vol. 129, No. 3356, October 30, 1929]

Washington's biggest racket comes under Senatorial investigation at the time when Washington's biggest loot is being allotted. . . .

The first three days of the hearings showed various ways in which interested industries have sought to grab their share of the loot. The first day uncovered a sorry story of the debauching of the United States Tariff Commission by the pottery industry, whose Washington representative was lobbyist one day and tariff commissioner the next.

At that hearing the public learned of one tariff expert, Carl Langenbeck, who was requested to resign from the commission staff after having disagreed with a member of the commission, himself interested in the pottery industry, on facts and theories of tariff protection for pottery products; and of another pottery expert, Frederick L. Koch, whose discharge was sought by pottery interests

because they disliked his recent reports to the Senate Finance Committee. The public learned, too, of a former tariff commissioner, William Burgess, who lobbied for pottery tariff before and after his term on the commission, and who has, for pay, "observed" tariff-making in Congress on every tariff bill since 1894.

As an immediate result of the first revelation of the investigating committee, the Senate adopted an amendment to the tariff bill, proposed by Senator William H. King of Utah, providing a penalty of \$1,000 fine or one year's imprisonment, or both, upon any person, corporation, association, or other organization that attempts to interfere with or influence the work of the Tariff Commission or any member of its staff.

On the second day the public learned that one organization alone of the several interested in the sugar tariff has spent approximately a half million dollars on its Washington office since the 1922 tariff bill was enacted. That does not include the activities of other organizations supporting the sugar duties or the several organizations opposing it, which also maintain bureaus in Washington.

On the third day the public learned more of the arrangement by which the \$10,000-a-year assistant to the president of the Connecticut Manufacturer's Association taught Senator Bingham the tariff needs of Connecticut industries, got on the Senate pay-roll, and sat in secret sessions of the Republican members of the Senate Finance Committee, while his salary and Washington living expenses continued to be paid by the Connecticut Manufacturers' Association. This lucky lobbyist, C. L. Eyanson, kept none of the money paid him by the Senate for his theoretical work as clerk to the Committee on Territories and Insular Possessions, and he has not cashed the personal check for \$1,000 which Senator Bingham sent him, without even a note of explanation, after his service had terminated as a result of objections lodged by members of the Finance Committee. Senator Bingham's curiously obtuse sensibilities did not permit him to see that Mr. Eyanson's non-acceptance of the government pay for which he signed made no real difference in the propriety of the situation.

Senator Walsh later detailed the tariff increases granted in the bill for the fifty-two leading industries of Connecticut. The duties on forty-four of these products were raised, seven were left unchanged, and one was reduced. He estimated that the results would bring some \$70,000,000 to Connecticut industries.

All this helps inform the public as to how tariff bills are made. Everybody knows that lobbyists try to influence the votes of Senators and Congressmen, and try to defeat those whom they cannot influence. The same interests have sought to control the views and actions of theoretically impartial experts in federal boards and commissions established to find facts.

The investigating committee is not to be bullied by witnesses, thus distinguishing itself from the Shearer committee. When Mr. Burgess objected to telling how much pay he gets for "observing" tariff-making, Senator Caraway promptly asked, "Do you decline to answer?" and hinted at the possible consequences of refusal. Mr. Burgess then told that he gets \$7,500 a year from the United States Pottery Association, \$2,400 a year from the Association of Wool Manufacturers, \$1,800 a year from the National Electrical Manufacturers' Association, and more from velveteen manufacturers, tile manufacturers, and greeting-card makers.

If the committee is no more lenient with lobbyists than it has been with the former tariff commissioner and the Senator from Connecticut, its investigations should prove highly instructive. H. A. Austin of the United States Beet Sugar Association defined four classes of lobbyists for the committee; individuals who have a direct personal interest in measures before Congress; organized trade associations; "professional lobbyists" who take any side of anything for a retainer; and "parasitical lobbyists" who falsely represent themselves to anybody they can "rob" as being in a position to "slap every Senator on the back and call him by his first name" and thus influence legislation. If the committee examines all these groups, it has a stupendous task before it.

That task is only begun with the big job of uncovering the tariff lobby. There are the prohibition lobby and the anti-prohibition lobby; the farm lobby—Senator Blaine heatedly denied in one hearing that "Washington racketeers represent the farmers of the United States;" the power lobby, some of whose methods have been revealed by the Federal Trade Commission's admirable inquiry into power-trust propaganda; the big-navy lobby, slightly touched in the Shearer investigation; the inheritance-tax lobby, the guiding genius of which is now part of the tariff lobby; the veterans' lobby, which so effectively cajoled and threatened members of Congress in connection with the Tyson-Fitzgerald bill retiring emergency officers at their war-time rank with retirement pay granted to regular army officers; the peace lobby; and so on down a list which would fill pages. Of course not all the lobbies are mischievous, but dozens of them exist simply for purposes of loot and for nothing else.

Mr. Austin of the beet-sugar lobby deftly slid around Senator Caraway's question, "You think that whoever wants anything at the government's hands has to have a paid representative in Washington to get governmental favors?" but it was clear that he thought just that. With the fearful example of the power propagandists before them, the lobbyists are cautiously avoiding any boasts about the success of their activities, but they face a dilemma in answering Senator Caraway's further question, "Is there any excuse for your being here if your employers could get as much without a paid representative?"

Again the chairman of the investigating committee points out that "every industry that expects to fatten by legislation" establishes its paid "observer," "investigator," or "adviser" in Washington. Of course, none are "lobbyists." They apparently believe that they are not lobbyists unless they buttonhole members of Congress, even though they may persuade constituents of Congressmen to send telegrams and letters and petitions asking the enactment of legislation beneficial to their industry; even though they get political bosses "back home" to tell the Senators and Representatives how to vote. The lobby of today has its headquarters in Washington, but it operates chiefly from "back home."

GOVERNMENT BY PROPAGANDA

BY FREDERIC WILLIAM WILE

(From *Outlook*, December 26, 1928)

It would be easy to consume and fill most of the space allotted me with a mere enumeration of the multifarious agencies now disporting themselves at Washington for purely publicity purposes. These agencies are non-political in themselves, but essentially political in purpose. They have pitched their tents at Washington because Washington is the law factory of the Union. Their avowed object is to bring about the passage of desired legislation or frustrate the enactment of objectionable legislation.

In days of old, that ancient and more or less honorable institution known as a lobby was conducted at Washington by men who worked on Congress or Government departments by the direct approach method. It was personal influence and moral suasion, and probably, in some cases, a more negotiable talking point, which garnered votes for a pet project, or swung a party leader in a certain direction, or induced a Federal official to favor a given line of policy. The old lobby was a recognized, semi-legalized, open-and-above-board proposition. It consisted of men who knew what they wanted and how to get it. There was no pussyfooting. There was little circumlocution. The attack was frontal. By such methods tariff laws were written; bridges thrown across rural culverts; post offices built; and the legislative wheels of the Government generally kept greased and moving.

It was the direct approach system that despoiled the country of the Naval Oil Reserves—the most classic, as well as the most criminal, example in our time of the prehistoric lobby operating on traditional lines. Tea Pot Dome, beyond any question, was the last of the Mohicans. The next time private interests covet public property, they will use publicity, not Liberty Bonds and little black bags. . . .

There is positively no limit to the range of activities pursued by these professional missionaries in the field of "public relations." They

concern themselves with our bodies and our souls. They deal with our rights, our races, and our religions. They are interested in what we drink and in what we think. They propagandize in realms as widely separated as Bibles and bricks. They advocate peace and they preach preparedness. Their diversified scopes are so voluminous that a mere tabulation of their names fills nearly three pages of closely printed addresses in the latest Washington telephone directory. A project is afoot to erect a skyscraper to be occupied exclusively by this Grand Army of Publicity—a G. H. Q. of organized propaganda.

There are in addition many private organizations entrenched at Washington for the openly avowed purpose of influencing public opinion *pro* this or *con* that, and through influencing public opinion, putting pressure on the Federal Government. Sometimes it is the President of the United States at whom the subtle campaign is directed. Sometimes it is Congress. Sometimes it is a Cabinet officer. Sometimes it is a foreign government, against which it is desired to organize American sentiment. The mails are lavishly used. Postal receipts in Washington, a non-commercial community, are now the seventeenth heaviest in the country, a figure that does not include Congressionally franked mail. . . .

Not long ago Congress had before it the Administration's plan to abolish the use of poison gas in warfare. It took the *form* of a request for ratification of a protocol adopted by the League of Nations. In the negotiations at Geneva the United States was officially represented by Representative—now Senator—Burton, of Ohio, then Nestor of the House, and it looked as if so humanitarian a proposition would easily secure approval when put to a vote in the Senate. Thereupon the associated chemical-gas manufacturers of the United States got busy. They formed an emergency organization. They put out publicity by the ream. They sent speakers to address Rotary and Kiwanis Clubs and other opinion-forming groups of "folks back home." Enough Senators heard from "back home" to mobilize a vote sufficient to prevent ratification of the Geneva protocol.

Last winter witnessed in Washington a publicity campaign second only in magnitude to the crusade of the Anti-Saloon League in propagandizing the Coolidge Administration, on the advice of the General Board of the Navy, submitted to Congress a construction program calling for seventy-one new ships of various classes, chiefly light cruisers, in which the United States fleet is seriously deficient.

No sooner had the naval program become public than there was launched against it the most skilful, aggressive, extensive and ruthless publicity campaign of recent years. The campaign was promoted mainly by the official pacifist organization known as the National Council for Prevention of War, which sprang into existence on the eve of the Washington Armament Conference seven years ago. The

Council consists of a large number of affiliated National associations of churches, women and various other groups specializing in civic or ethical activities. Well-versed in the practice now in vogue, the pacifist organization tilted straight at the "folks back home." It flooded the mails with literature depicting the United States as embarking upon a campaign of "militarism" at sea comparable to the system which led Prussianized Germany to plunge the world in blood and tears. It accused the Coolidge Administration of re-kindling the fires of competitive armament. Up-hill and down-dale the pacifists exhorted their cohorts throughout the Republic to bombard their spokesmen in Congress and the White House itself with protests against the alleged plot to fill the seas with an aggressive and invincible American navy. Presently the incoming Washington mails were choked with the inspired roars of Vox Populi. . . .

PROPOSED INVESTIGATION OF LOBBYING ORGANIZATIONS

(From *Congressional Record*, April 16, 1928)

MR. CARAWAY. *Mr. President*, I wish to submit a resolution providing for the appointment of a committee to inquire into the activities of the three hundred and fifty-odd associations here which undertake to run the Government at so much per each influence exerted. I desire to have inquired into the sources of their finances, what means they use to get the unsophisticated to contribute, the amount of such contributions, and what efforts they make to regulate or control Congress.

As I have said, *Mr. President*, there are between 300 and 400 of such associations whose names are listed in the telephone directory of Washington, ranging all the way from associations for the hard of hearing to associations for the protection of pedestrians; in fact, nearly every activity of men is capitalized under the name of some kind of an association.

There is one organization, *Mr. President*, that has something to do with the national parks. That association made an unfavorable report on a project in my State. Members of the association were called before the committee, where it was disclosed that not one of them had ever seen the area or knew anything about it, although they were flooding the country with literature in opposition to it. It developed as to this association, which seemed to be composed largely of three people, that the chairman gets \$7,500 a year, that the secretary gets \$3,000 a year, and its activities are primarily to get somebody to contribute the money to pay these salaries. It does not hesitate at all to circularize the public with untruths, and then seems to have no shame when the untruths are exposed.

I have in my hand now a circular of another association, which is called the National Reclamation Association, of which George H. Maxwell is executive director, in which it is said:

The United States Daily for April 6, 1928, on the front page carries a two-column article headed "President wants flood control placed on businesslike basis."

Down further, in another paragraph, it says:

It is the exact opposite of what is provided for in the half-baked deceptive political makeshift levee hierarchy higher levees death trap bill known as the Jones-Reid bill, now pending in Congress.

There follow some other statements, every one of them being a lie, for a lie may be uttered where one knows the facts and states the opposite, or where, not knowing the facts, he undertakes to assert the facts to be what he says.

I should like to know who finances that sort of propaganda here in the District of Columbia. I am not opposed to free speech, but I am opposed to exercising the privilege to tell a lie at the expense of honest effort. Therefore I am introducing a resolution to have all these fake associations come before a committee and lay before that committee the literature that they use to have people make contributions to them. Then, if they are influencing legislation, I want them to tell in what manner they do it. I want them to say what member of the Senate or what member of the House they influence, and by what means they influence him.

As all of you will recall who read *A Connecticut Yankee at King Arthur's Court*, when the King was caught one night when he was out without his official robes and sold into slavery he brought only \$7.50. His complaint was that if his pedigree had been known, he thought he would have brought \$25. I am going to make those folks who pretend that they are exerting influence here show what they get for it and what they give in return for it; that is all.

Why, when I introduced an antilobbying bill which passed the Senate, some of them objected to the report and came to see me. One young lady, who persuaded me that she had been very grossly misrepresented, said that their association had nothing to do with legislation. I have discovered her out here in the lobby nearly every day since, calling out members of the Senate, propagandizing them for something.

A bill that I introduced had for its aim to make the man who gambles at least gamble in his own resources; that seeks to deny to people the right to gamble in the sweat and blood of the 30,000,000 farmers in this country, and likewise affect adversely the consuming public. There has been a lobby here from every state in the Union, calling out Members of the Senate into the lobby to tell them the

passage of this bill would destroy the orderly marketing of farm products. I want all these people to tell us who financed them and what induces them to try to constitute themselves a third house of the Congress of the United States and write legislation in lobby rooms. It will be very helpful, and, when the resolution passes, if there is a committee named which will make them show their hand, there will be more "for rent" signs hanging on office buildings down town than have been seen here since the war.

Everybody here knows that these parasites, these leeches that are obtaining money from people away from here under the belief that they can influence legislation, are without power to do it. They are obtaining money under false pretenses. They are living by ill-gotten means just as much as if they had put their hands in people's pockets. They are no better.

I am perfectly willing to concede, and I have always conceded, that there are men and women here who represent associations or combinations that have information that, imparted to committees, is helpful; and nobody would curtail their activities. We are glad to have them. They are not ashamed to say for whom they speak. Their methods are well known. They are entirely honorable; but the activities of these folks like Maxwell and others that send out these lying letters, not because they expect to influence legislation, but because they expect to make somebody away from here think they can do it, and have them contribute to their support, have become a national disgrace.

I want to congratulate the State of Kentucky because the grand jury at Frankfort last week indicted 23 lobbyists. They were office-holders, some of them. They were representatives of nearly every conceivable kind of interest. They belonged to a bipartisan organization. They were just the common leeches that infest every legislative body everywhere, trying to sell an influence they never possessed, obtaining money under false pretenses from people who do not know the facts.

I have here a letter signed by Edward Moir and Joseph W. Randall, of the Carded Woolen Manufacturers' Association, so far as I know an entirely reputable association, who are complaining that they themselves, a legitimate business interest, have been prejudiced by lobbyists who have infested Congress. I also have here a letter from the New York Mercantile Exchange, evidently in response to some lobbyist's activity, protesting against a bill and asking the Senate to vote against it, when the date of the letter shows that the bill had been passed three days before they wrote the letter; but this lobbyist, having overslept, stirred them up to expend money and file a protest against legislation that had already passed the Congress. . . .

WHOM THE LOBBYISTS REPRESENT

(From *Congressional Record*, April 8, 1924)

SENATOR MCKELLAR: There are lobbyists for the sugar interest, for the steel interests, for the wool interests, for the tobacco interests, for the fertilizer interests, for the cotton manufacturers' interests, for prohibition and antiprohibition, for postal employees, for labor organizations, for railroads, for civil-service employees, the equal rights of women, for the bonus, for those opposed to the bonus, for the Mellon plan of tax reduction, for the farmers' organizations, for the shipping interests for Henry Ford's acquisition of Muscle Shoals for the water-power trust, for the packers, for the oil interests, for the disabled ex-service men, for the manufacturers, for the Army, for the Navy, for national aid to education, and many other special interests. Washington is honeycombed with lobbyists; the hotels are full of them.

When a tariff bill is being considered lobbyists are so numerous that it is difficult for those who are not lobbyists to get hotel rooms in the city. Every lobbyist has a liberal expense account and of course is a desirable guest for a hotel. It makes no difference whether Democratic or Republican administration is making tariff schedules, tariff lobbyists are on the job.

It is true that in Democratic regimes they are naturally not so numerous, as they do not expect additions to the tariff, but they are here to prevent, if possible, the taking off of duties on favored interests. Every effort is made by them, in the first place, to prevent tampering with the high duties imposed during Republican administrations. In the next place, every effort is put forth to see that the reductions made are as small as possible.

In Republican regimes they are here to get the duties raised to the highest limit possible and prohibitory rates whenever that end can be accomplished. When the Fordney-McCumber tariff bill was before the Congress in 1921, the lobbyists were so thick that they were constantly falling over one another. There was scarcely a manufactured article or raw product that did not have a special lobby here. They made life a burden to the members of the committee having tariff duties in charge, and, indeed, practically all Senators and Representatives. They saw members of the committee in their homes, the hotels, on the streets, in the reception rooms of the Senate and the House—whenever and wherever they could find a member of that committee.

I have seen the corridors leading to the Finance Committee room of the Senate so filled with them that it was almost impossible for an outside Senator to get to the committee room, and barely possible to get in it. Every lobbyist was armed with an amendment granting a special benefit to his own favored interest, and in that particular

contest usually got it. That law placed the highest tariff on the statute books that was ever placed there. It has been estimated that it places a tax burden of \$600,000,000 on the people for the benefit of the Government, and at the same time an additional tax burden on the people of five times that much, or \$3,000,000,000, for the benefit of special interests which succeeded in having the duties imposed or raised.

The Fordney-McCumber law was perhaps the greatest achievement ever accomplished by any lobby in Washington. The representatives of the interests virtually fixed their own rates. It was their greatest opportunity, and it was not neglected. It was the most stupendous legalized robbery of the people ever authorized, and the lobbies of the interests were, in my judgment, more powerful in accomplishing the results than were the representatives of the people. It is common knowledge among those who know what was going on here that ex-Senator Lippett, of Rhode Island, had a big part in fixing the cotton schedule and that Mr. Littauer, of New York, helped make the glove rates.

The oil interests have for many years had a lobby here. They keep it here, some seeking oil leases, others seeking to prevent unfavorable legislation. The frightful result of the invisible government was never more aptly shown than by the recent developments in the oil disclosures. It was no accident, and it was not the result of a patriotic desire to protect and build up the Navy of the United States, that within 30 days after Secretary Fall and Secretary Denby had become members of President Harding's Cabinet they were busy making leases of the naval oil reserves to the oil interests.

SOME EXPRESSIONS OF CONGRESSIONAL OPINION

(Group Representation Before Congress, by Herring.)

Representative Theodore E. Burton, of Ohio, Congressional Record, December 4, 1924:

In nothing is there greater danger to the body politic than in the power of the persistent and well-organized groups to secure the enactment of measures which are contrary to the interests of the aggregate body of the citizenship. This is made possible by the fact that the united and vigorous support of a comparatively small number often seems to render more efficient aid to one seeking office than that of the inert and rarely roused majority who take less interest in public affairs. The present disposition to secure such advantage is manifested by the great mass of propaganda much of which is calculated to mislead rather than to give accurate information, by the fact that Washington is filled with organizations of lobbyists who seek to overawe Congress for such objects as special privilege or favors, bonuses, larger salaries, and matters of individual or local concern.

Representative Harry B. Hawes, of Missouri, Congressional Record, May 14, 1924:

The propagandist is another evil. Some one presents a subject from his point of view. The other side of the question is not heard or discussed. Naturally defects and objections are glossed over and the main object of the bill is described in a satisfactory way.

The propagandist proceeds to secure an indorsement and sends this indorsement to Congress, and in many cases, he accompanies it by a series of petitions advocating the passage or defeat of a bill.

Not one in a thousand has ever read the bill or understands it. They are acting solely upon the representations made to them by the person who starts the propaganda. Usually behind this propaganda will be found some special interest.

The average Congressman desires to hear from his constituents on any measure which may be before Congress if his constituents have read the measure and understand it. He values such communications. They are of service to him. So are the arguments and briefs on any subject upon which he may vote, or the statement of a practical farmer, laborer, or business man.

So when he is deluged by telegrams and letters which he knows originate in one central point and are merely copied by persons who have not read the bill and who do not understand it, he is placed in an embarrassing position.

It is impossible for him to correspond with all the signers of these petitions. He can, if he has time and at great labor, send to all these petitioners copies of the hearings and records of the debates before Congress. But time will usually not permit this to be done.

An organization which discusses a question and hears both sides, allowing an opportunity for proponents and opponents to be heard, which provides for the hearing of testimony, debates, and the same process of discussion provided by law in municipal, State and national organizations, might with some propriety after this kind of hearing and discussion address a candidate on the subject of securing his "yes" or "no" statement; but no organization which does not hear both sides discussed and does not proceed with the same care that the body in which the candidate votes has the right to attempt to dictate to him, especially where the decision has been arrived at hastily, unfairly, or without impartial hearing.

Instead of advancing the cause of good government, no matter what the object may be, it would be an attack upon intelligent government.

If these organizations would adopt a rule of printing their bill, setting a time for discussion, and inviting both sides to be heard, that in itself would be an improvement; but this is rarely done.

In ninety-nine cases out of one hundred only one side is heard, or a resolution sprung at the eleventh hour in a convention, without discussion or hid away in a series of resolutions, is adopted, then made the basis of a demand upon a Congressman.

The whole proceeding is unfair to the legislative body to which the candidate belongs; it is unfair to the public; and it is even unfair to the organization which has been hastily forced into a position which it does not understand.

Representative Charles L. Underhill, of Massachusetts. Speech before the Chamber of Commerce of the United States, May 21, 1925:

These groups, as I said before, are well organized and through the medium of modern propaganda bring tremendous pressure to bear upon Congressmen from back home.

It is hard to understand how some limited organizations can exercise such an influence upon Congress, particularly when their demands are so clearly antagonistic to national economic interests. The average office-holder knows that the majority of voters are neither vocal nor aggressive and that they do not possess long memories.

The organized minorities keep up a persistent propaganda and can and do make things uncomfortable for the individual Congressman. They are persistent, vociferous and threatening. They delude the Congressman into a belief they are much more powerful than they really are.

Of course it may be said that the politician should have more courage, but there is another phase of the situation which is overlooked. The thoughtless majority are not appreciative and a man in public life who does his duty is seldom rewarded for it, whereas, if he favors a particular class he is likely to have an energetic group fighting for him at the primaries and elections.

Representative Marvin Jones, of Texas. *Washington Post*, January 8, 1924:

We are getting to be a government by groups and the victims of propaganda. Some old boy or some group will conceive an idea to save the country. He'll organize his little group and wire all over the United States, "Wire or write your Congressman to do so and so."

Just now a great deal of propaganda is being used to further the Mellon scheme of tax reduction and a good many folks have been led to believe that it is the Mellon scheme or nothing. As a matter of fact, the entire country favors tax reduction.

The member not only welcomes the views and wishes of his constituents, but is anxious to receive them. But form letters and telegrams that are sent at the request of some group or vested interest are of little value to anyone.

Representative Fletcher Hale of New Hampshire. Radio address, May 26, 1926, printed in *Congressional Record* May 29, 1926:

There is no more essential principle on which to base congressional action than that it should contribute always to the national welfare as distinguished from the welfare of any particular group or groups of people, or of any particular section or sections of the country. It is true that

there may be legislation, sectional or special in its character, yet necessary to the general welfare. The difficulty with us, most of us hundreds of miles away from companionable communion with those whom we represent, is to be able always to detect this distinction. There are here in Washington hundreds of agents of special groups of people who are in rather constant communication with Members of Congress, many of them paid, many of them voluntary, most of them sincere, some of them otherwise, but all intensely interested in effecting legislation for some particular group or some particular special interest. Similarly from all over the country, while you are attending to your own business, comes tons of communications from all sorts of interests, much of it in stereotyped form, much of it in real personal appeal.

The voice speaking, whether personally or by mail or by wire, too often is that of selfishness, clamoring for special legislation which ordinarily may benefit the few and injure the many. Much of it demands that we regulate the business of all but its own. Oftentimes it resorts to threats to exert group action against our reelection if we fail to comply with its insistent demands. Usually it is not the cry of deliberate selfishness nor of willful misrepresentation, but more often it is a result of a failure to consider problems from the national standpoint of the welfare of the one hundred and eighteen million people of America. It is fortunate for you and for the country that it is physically impossible even to read all that comes to us, much less to digest it. Nevertheless, a large part of it makes a very considerable impression upon many members of Congress. Much of it is good and should do so. Much of it is bad and ought not to do so. That of it which is bad and leaves its influence leads us to represent special elements rather than the great body of citizens. If it has its effect in legislation, rule by small minorities is the result, leading to governmental extravagance, and oppressive, oftentimes most injurious governmental interference with honest industry. And quite as unproductive of enduring benefit have been the results of legislation procured or attempted to be procured by arraying a section or sections of the country against others which, when weighed for the country as a whole, retard our national progress and diminish our national prosperity. So general has this tendency become in the last decade, so many are the special groups and interests desiring to be served, that Federal legislation has come to be viewed as a panacea or cure-all for social and industrial ills of every description, resulting, as inevitably it must do because of certain failure to accomplish all that was anticipated, in destroying the efficiency of the Government and in disrespect for and intolerance of its established institutions. We have been engaged in a legislative debauch from which we must emerge clear-headed, capable, and determined to substitute legislative temperance and sanity for legislative license. . . .

There is no Representative in Washington who does not welcome your well-considered opinion on matters of public import. But that we may not be misled into the dark and dangerous avenues of governmental folly, let your voice

when it speaks be that not of one from the North, the South, the East or the West; not of the rich nor of the poor, not of the weak nor of the strong, but that of an American citizen, having community of interest with all other American citizens, and desiring to translate this community of interest into community of political action in order that the general welfare may be supreme.

Senator Charles S. Thomas, of Colorado. *Congressional Record*, February 2, 1921:

We are divided racially, industrially, economically; the cement which binds the people of the States is disintegrating and disappearing in the jarring contention of conflicting interests—economic, political and social. This process will continue until Congress, recognizing this sinister situation, shall taboo all systems and species of Washington lobbyism. Left to itself, the evil will grow and the disintegration continue, with deplorable effects to the country. . . .

A man cannot be a Senator or Representative and be true to himself and serve the people of the United States to the best of his ability if he yields his judgment or conforms his action to the persuasive efforts of organized interests, political or otherwise; we must either be representatives or delegates. If we are here merely to record the will or the demand, if you please, of those interested in national legislation because seemingly formidable, we serve neither the country nor ourselves. We cease to be Representatives.

Representative Joseph G. Cannon, of Illinois. Interview, *The New York Times* as quoted in the *Literary Digest*, March 17, 1923, p. 48:

Is Congress the strong body it was years ago?

Yes and no, he answered. It has strong men now, but in the olden days, when public life offered greater attractions and honors, perhaps the men stood for more. Certainly they stood for greater independence of thought. They were not swayed by propaganda as now. Forty years ago there was no propaganda; certainly no organized agencies and lobbyists. Bills then originated in committees and represented the mature thought of the members. Now they are written and forced through Congress by outside organizations. The Constitution meant what it says. Now it is a thing to be shot at, after the agitators and legislators cannot find any other way of getting what they want. . . .

In the old days bills were few, most of them private pension bills. A man had an opportunity to study legislation and could vote intelligently. Now the lobbyist comes to you and says, "We want this," and generally he gets it. I ask you whether legislation of today is anything more than hodge-podge? Forty years ago it represented the mature thought of the members (See also L. White Busbey, "Uncle Joe" Cannon, p. 270).

The effects of these organized groups upon the governmental system is not alone described by congressmen. The attitude of the Senators

and Representatives quoted is reflected in the following editorial from the Philadelphia Public Ledger of May 21, 1924:

There was a time when Congress could consider measures in interests of the national welfare. Today men come to Congress with the collar of some minority welded about their necks.

There are plenty of farm blocs, and bonus and labor Congressmen, but the national legislators who represent all America and who are able to think and vote in terms of the national interest are few and far between. The Congress of United States has become a Congress of minorities.

Selfish groups have found how easy it is for an organized minority to throw Congress into a cowardly panic. . . .

For this situation the voter back home cannot escape the final responsibility. In bitter truth he deserves exactly the kind of Congress he has. If he is a farmer, he wants the government to help him. If he is a worker, he demands special consideration. The manufacturer seeks always to advance his own interests. The veteran wants a subsidy or a pension. A dozen groups try to send men to Congress who will keep group interest rather than national interest first.

NEGATIVE MATERIAL

A DEFENCE OF THE LOBBY*

BY O. DOUGLAS WEEKS

Department of Government
The University of Texas

Much attention has been attracted in recent years to the Lobby, which has developed to such an extent and has assumed so much importance in the affairs of government as to be characterized as the "Third House" both in Congress and the state legislatures. A generation ago it consisted of a motley collection of "lame duck" legislators and lawyers who represented private interests and whose tactics in approaching legislative leaders were often under-cover and highly questionable. During the past ten or fifteen years, however, the lobbyist has become a "legislative agent," who pursues his profession quite in the open and with great efficiency. The more important lobbyists at Washington have back of them powerful and wealthy associations of nation-wide extent, with large bodies of dues-paying members. These associations represent the principal economic, social, humanitarian, and religious groups into which the great body of the American people is divided, such as the United States Chamber of Commerce, the national trade associations, the American Federation of Labor, the Federal Farm Bureau, the Federal Council of the Churches of Christ in America, and the Anti-Saloon League. They have built palatial headquarters at Washington where highly paid staffs are maintained to keep a "lynx-eyed watch" on all doings of Congress and the other branches of the government. At the first sign of danger to the interests they represent they are able to exert a tremendous pressure upon the government both directly and by means of the control they exert over the opinions of their followers, who also are easily pressured to communicate directly with their congressmen and senators. Moreover, contributions paid into the national campaign chests of the political parties make their leaders ready servants of these interests.

Thus special interests, we are told, have our supposedly democratic government by the throat, and rule by the people has ceased to exist. This view of the situation, however, is not a just one. It fails to consider that our political life is but a reflection of our social and economic organization. The Great Society of today is not the simple agricultural society it was in the days of Jefferson and Jackson. Most public questions are not capable of the clear "yes" and "no" answers of a majority and a minority of the whole people as they were then.

*This article was prepared especially for the bulletin.

The society of today is divided into countless interests, callings, occupations, and social sets. We as individuals are organized into numberless associations, organizations, and groups based upon these special interests. Between these groups are fought the battles of politics in the present age, and not between Democrats and Republicans, South and North, East and West. It is rather "the battle between butter and oleomargarine, coal and oil, shingles and composite roofing." Functional constituencies have in reality taken the place of the old geographical constituencies recognized by the formal institutions of our government and based upon a primitive agricultural scheme of things. Our representatives in legislative bodies no longer represent anybody in particular, elections cannot decide the multiplicity of issues, and political parties are unable to differ very much in view of the conflicting interests within them. If, then, the means of democratic control devised in a simpler age do not suffice, new forms will spontaneously come into being, which represent the true desires of a people. Popular government, in the last analysis, is not necessarily majority government; it may be government which compromises the manifold wishes of many conflicting minorities. In any event, the popular government of today is not one of political men on a dead level. It is a democracy made up of economic and social men divided into countless groups and interests. It is these men and these interests the modern lobby or "pressure groups" stand for. Modern society is essentially pluralistic; it is divided into associations each possessing social and economic power. Hence a modern government, which professes to be at all popular, must be essentially the referee which works out a compromise between these associations and forces. This is not to say that all these groups are good; some no doubt exercise a nefarious influence upon the government. All are to a greater or less extent selfish. But their existence is inevitable; they can be and ought to be regulated effectively just as to some extent political parties are controlled by law. Eventually, perhaps, they may be legally recognized to the extent that they will be accorded representation in proportion to their relative importance in some sort of national and state economic councils the function of which will be to give advice to the legislative and other branches of our government. Several European states are already experimenting with such devices, because the problem is similar in all industrialized societies. Abolition, however, is just as absurd as the abolition of political parties would have been in the early days of the history of our republic. At that time the attitudes of many towards parties were quite as antagonistic as are some present day attitudes towards the lobby.

LOBBYLESS LAWMAKING

(From "Looking On In Washington," in *Nation's Business*,
February, 1930, Vol. 18, No. 2)

The time has come when definite new rules of personal conduct are much needed in Washington. Citizens are greatly misled by their reminiscences of their school-day studies of the Constitution. They hazily remember that somehow or other they are supposed to be possessed of the right of free speech and of the right of petition. They perhaps could not turn off-hand to the spot in the Constitution where these rights are mentioned and supposedly enshrined and safeguarded; but they know, as it were, in their marrows, as well as from their indistinct recollections of remarks addressed to them by their teachers, that to express one's views on public affairs and on public officials and to communicate those views to those officials are American constitutional prerogatives.

They are thus completely misled as to the situation actually existing in the capital of their country. Blinded by the Constitution, they fail to perceive the great reforms that have been effected in our national life by the invention of words which transcend the Constitution and which modify and even reverse its meaning.

One of these words is "lobbying." Another is "propaganda." Our revolutionary and constitutional ancestors were imperfectly acquainted with these words. If they had really known them, they would have refrained from many things that they did.

For instance, just before the Revolution, they wrote and circulated innumerable pamphlets expressing their ideas about the British Government and promoting various principles and demands regarding government in general. They joined themselves together into groups to do it. Had they known that all such activity is "propaganda," they would have seen its reprehensibility. Not having the word, they missed seeing the sin.

Similarly with "lobbying" and "lobbyists." One of the first great laws enacted by the Congress under the Constitution was the law which funded the national debt. Citizens in great numbers addressed themselves to the Congress in favor of that law and against it.

Our Benighted Ancestors

They wrote to congressmen, including senators. They spoke to congressmen, including senators. They pointed out to them that the proposed law would benefit them or would injure them. They argued with their elected representatives and pleaded to be helped or pleaded not to be hurt. Why did they do this? Why, because, in their ignorance and in the meagerness of their vocabulary, they did not know that it was "lobbying."

There are very few new ideas in the world, but mankind makes up for this by inventing new words. Or else it equally fully makes up for it by giving new meanings to old words. In the case of "propaganda" and in the case of "lobbying" the meanings are sinister in the extreme; and the very tone of voice in which a senator can say "propaganda" or can say "lobbyist" is enough to terrify almost any citizen, if he could hear it, out of all the constitutional rights that he may ever have imagined himself to have inherited.

The trouble is that not many citizens are able to hear our senators orating or able to observe them in action; and consequently the American public persists in behavior which the Senate has in its way to abolishing. It is for the purpose of telling the citizen how he should henceforward conduct himself that these lines are written.

Let us suppose, for instance, that the Congress is about to pass a law which will ruin a citizen's business. Let us suppose that the law is a tariff law. Let us suppose that the citizen is an importer and that the raising of the tariff will ruin his business. Or let us suppose that he is a manufacturer and that the lowering of the tariff will ruin his business.

One of the present customary recourses of a citizen in such circumstances is to get on a train and come to Washington and call upon the representative from his district and upon the senators from his state. Or else, being busy at home, he hires a lawyer in Washington to go and see the representative and the senators for him.

He sometimes joins himself with his fellow-importers or his fellow-manufacturers to employ the lawyer and to inform him regarding the conditions of his business. The lawyer conveys the information to the representative and to the senators.

Thus the representative and the senators gain much information that they otherwise would not have. In fact, it is not going too far to say that fully nine-tenths of all information of any value reaching individual members of the Congress or committees of the Congress comes directly or indirectly from the interested parties. This is natural and inevitable. It is the interested parties that know the facts.

The reader will thus see that the essential evil in the "lobbying" situation is that information is conveyed to legislators.

Not once during the whole of the present inquiry into "lobbying" in Washington has there been a proof, or even a charge, or even an intimation, that any representative or senator was approached with an offer of money or of anything else in the form or with the intent of a bribe. The sole menace to the legislator was the knowledge carried into his office.

It was the sole menace, but it was obviously a most serious one. Anybody can see for himself how perplexing and even how ruinous a couple of drops of knowledge might be to a legislator about to enact a perfect law.

Laws impeccable for their purity of legislative illiteracy can be produced only by legislators who have seen nobody and read nothing concerning the problem. The ideal toward which we should strive is thus rendered plain and, with a little good will on the part of all of us, it can readily be reached.

The New Rules of Etiquette

The citizen whose business is about to be ruined by an act of Congress will hereafter behave as follows:

As soon as he learns that a law affecting his livelihood is being considered by the Congress, he will affix to his place of business a card like a scarlet-fever card from a health department. It will give notice to all and sundry that they must in no way communicate with him or be exposed to conversation with him. He will also notify the Post Office Department not to collect any mail from him.

He may occasionally go down on his knees and lift his hands to heaven and say a prayer, but he will scrupulously avoid all verbal intercourse with any of his fellow men.

In the meantime his representative and his senators at Washington will be locked in their rooms by the Secret Service Division of the Treasury Department and all their mail, before they are allowed to see it, will be examined by the State Department's Division of Protocol.

No letter or pamphlet or other printed material containing any information about the troubles of their constituent or any data regarding his business or the threat under which it lies shall be allowed by the Division of Protocol to penetrate to the representative or to the senators.

We'll Call Out The Marines!

Further details in this method of legislation will be added as the modern human mind becomes more and more modern.

Ultimately all representatives and senators will be kept in a large round building where they will have their sleeping quarters as well as their offices and where they can be continuously encircled by a Marine Corps detachment which will protect them from seeing any visitors whatsoever and which will also protect them from receiving any printed material unless all information bearing upon legislation has previously been eliminated from it.

Even then, though, only half of the great prospective cleansing process will have been accomplished. It is not merely the duty of the citizen to refrain from informing legislators by "lobbying." It is also his duty to refrain from informing his fellow citizens by "propaganda."

Let us suppose, for instance, that a resolution declaring war upon Bolivia has been introduced into the Congress. At present it all too sadly often happens that citizens wanting to fight Bolivia convey their views to newspaper editors at clubs and thereupon the newspaper editors are led to advocate war with Bolivia in their editorials.

It also all too sadly often happens that citizens detesting war with Bolivia hire halls and talk to audiences about the beauties of the Bolivian character. Their auditors thereupon may be brought to a state of mind in which they may march down the street shouting, "No War With Bolivia," thereby infecting still other citizens with the contagion of their opinions.

Thus in time a sentiment, one way or the other, may be created in the national mind, and thereupon this sentiment may affect the behavior of the Congress.

In ancient simple days, before senators had become so learned that they could say "propaganda," the influencing of the behavior of the Congress by popular sentiment was thought to be more or less the same thing as free democratic government. It was accordingly thought to be a good thing. A little modern reflecting and arguing will clearly show, however, how grievously in error our predecessors in this country were.

Since no popular sentiment ever was or ever is, or ever can be, developed except through the propagation of ideas, and since that propagation is "propaganda," and since "propaganda" is an intolerable insult to the Senate and therefore wrong, it follows irresistibly that the developing of popular sentiment is wrong and that therefore popular sentiment ought not to exist. It can be caused to cease to exist, if we will all only follow the few simple rules here prescribed.

When the Congress is considering whether to have a war with Bolivia, the Librarian of the Congress will lock all his books about Bolivia in a steel case and every citizen will take all his books about Bolivia and burn them. The Bolivian Information Service, if there be one, in this country, will be closed. The mails to and from Bolivia will be stopped.

The Washington correspondents will not, before writing their dispatches about Bolivia, visit the Bolivian Minister.

Moreover, after having written their dispatches about Bolivia, they will not send them; because, no matter what they may say in their dispatches, it will be regarded by some senator as being either anti-Bolivian or pro-Bolivian and accordingly will be presumed to be part of a nefarious design for influencing the Senate.

Moreover, since it must be further presumed that there are at least some citizens who are as easily influenceable, as readily suggestible, as quickly ruined by information, and as fully needful of protection against it, as senators are, it follows beyond denial that no view and no fact about Bolivia will be permitted to reach any reader of newspapers.

The Pitfalls Digged by Facts

This is especially so with regard to facts. Unsupported views may carry no weight with readers. It is facts that entice and entangle them. It is facts that lead them on to entertaining opinions. The "propaganda" of facts is the climax of the evil of "propaganda." It is therefore supremely essential that at the moment of the contemplation of war with Bolivia all facts pertaining to Bolivia or bearing upon Bolivia shall be wholly excluded from the public mind; because otherwise views about Bolivia will arise in the public mind and will presumptuously, if only as a sort of emanation or exhalation waft themselves in upon senators through the Senate windows.

Each citizen accordingly will provide himself with a list of subjects under consideration by the Congress and will convey no facts and no views on those subjects to anybody. The conveying of them to a legislator, ever since it was called "lobbying" is tantamount to a crime; and the conveying of them to a fellow citizen, ever since it was called "propaganda" is tantamount to a sort of treason.

It is treason against the Constitution's Twentieth Amendment, soon to be adopted under which the circulation of any idea which might ultimately reach a representative is prohibited and made a misdemeanor and the circulation of any idea which might ultimately reach a senator is prohibited and declared a felony.

The Utopia of the Nullifiers

We are now prepared to envisage our beloved country as perfected by our best current nullifiers of the Constitution's First Amendment, wherein "freedom of speech" and "the right to petition the Government for a redress of grievances" are spoken of with respect and regard. When these nullifiers have thoroughly extinguished all "propaganda," which is merely the exercise of freedom of speech by a citizen in a manner which some other citizen does not like, and when they also have thoroughly extinguished all "lobbying," which is merely the exercise of the right of petition to Congress by somebody whose cause is thought by somebody else to be a poor and a bad one, we shall then see the two following concurrent phenomena:

Not To Be Impeded By Facts

A country containing no information on any legislative topic; and a House of Representatives and a Senate able to become fully efficient and able to pass forty times as many laws as at present through having eliminated from their atmospheres and from their intellects all delaying and impeding informational fogs.

In that bright vacuum, empty of all data and filled only with pure ethereal Congressional thought-waves, accompanied by occasional

static growls against "lobbyists" and "propagandists," Columbia will sit enthroned, still the world's marvel for the hard sense in her head and for the hokum and hoovey forever on her lips.

CONSIDER THE ETHICS OF LOBBYING

BY WILLIAM HARD

(From *Nation's Business*, October and November, 1929,
Vol. 17, No. 11 and Vol. 17, No. 12)

If the business man wished to have an employed representative in Washington, he should engage a person who will become permanently or temporarily but always outrightly, openly and professionally a lobbyist.

At this stage in the discussion it is necessary to go back for a moment to certain ancient rights and wrongs in the history of lobbying.

The noun "lobby" means originally a passageway in a building in which a legislature holds its sessions. It then derivatively means the concourse of persons who may frequent that passageway to present their pleas to legislators. There is no older or more substantiated right in a free people than the right of petition to legislators. The act of lobbying is in essence merely a form of the exercise of that right.

It is, therefore, an act which is not only basically ethical but basically essential to free institutions. The citizen has a right to be heard before his fortunes may be legislatively impaired or even destroyed. He has the right to be heard either in his own person or through a representative.

How, then, did that right come under a cloud? Only because of the abuse of it. Today the abuse has been mitigated. Today the desire of all intelligent business men should be that the abuse should be wholly exterminated and that the rightful and necessary profession of lobbying should be ethically completely regularized.

In the old days in Washington the man who wished to be a lobbyist proceeded, more or less, as follows:

He purchased a large diamond which he put in his shirt front. He put on his head a high and glossy top hat. His trousers were loudly striped. His coat, of the best black broadcloth, flapped about his knees.

Thus attired, he attempted to impress legislators with the prosperity which presumably would attend association with him. He also aimed to impress them with the gayety which would attend it. He was a competent guide to race tracks and to gaming tables.

At the gaming tables he had the obvious and childish trick of losing money to legislators. The only statistical information he carried with him was perhaps the numbers on his bank notes. He

mostly knew nothing about legislation except that his clients wanted it either passed or stopped. He was an ignoramus and a low and sordidly corrupting one.

He's Only a Memory Now

He is today an evaporating reminiscence. A few legislators, for political purposes, still make speeches against him and still pretend that he copiously exists. He does not. He has been succeeded by a race of lobbyists who, in many instances, are rather distressingly similar to college professors of statistics.

There is many a highly successful lobbyist in Washington today whose only implement of persuasion is a brief case full of economic data so detailed and so dismal as almost to cause the observer to regret the disappearance of the reckless romancing of the lobbyist of yore.

Lobbying today is a sober and serious trade with a professional quality which is developing into greater and greater recognition and maintenance. It is also a quite spacious trade. There are today in Washington many hundreds of persons who continuously are lobbyists for interests or for causes which sometimes are relatively small and sectional but which often are organized on a grand nation-wide scale.

The clients of these lobbyists are individuals, corporations, associations, committees, "leagues," "councils," industrial, commercial, financial, agricultural, humanitarian, reformistic, "pacifistic," "militaristic," anti-alcoholic, pro-alcoholic, redly radical, blue-nosedly reactionary, dedicated to the sublime freedom of the citizen, dedicated to the beneficent coercion of the citizen, dedicated to virtually every greed, natural or unnatural, and to every ideal, sane or insane, with which the American people are blessed or afflicted.

Amateurs Swell the Throng

Additionally, and on top of our hundreds of continuous lobbyists, there are thousands of citizens who, in the course of the year, arrive in Washington to be lobbyists intermittently or occasionally.

The discerning and the rigid maintaining of the ethical limits to their labors is a problem of the highest practical importance to the business community of the United States. Our business interests, if they would save themselves from wrongful damage, are widely under the necessity of having lobbyists in Washington. It is essential to the true success of those lobbyists in general that improper practices among them shall be discountenanced and that the reputation of the lobby, in the eyes of Congress and the country, shall be steadily advanced.

We have already noted that the members of the press galleries have a written code of conduct. No written code exists among lobbyists.

Guidance nevertheless may be found in an observation of the practices of the most reputable lobbyists and in a consultation of what might be called the common conscience of the Capital.

Out of those sources, and not merely out of caprice and individual invention, we may lay down a few general principles as follows:

1. It is unethical for a lobbyist to seem not to be one. It is unethical for him to represent an interest or cause without letting it be known that he represents it. He cannot ethically occupy himself in persuading Senators or Representatives or Cabinet officers to take a favorable view of a given interest or cause when they think he is speaking out of friendship and when he in fact is speaking for pay.

There is no ethical escape from the proposition that no lobbying for pay must be surreptitious and that all such lobbying must be open and known.

It would follow that it might be highly advisable that members of the lobbies should be registered, even as members of the press galleries are registered. If those who set themselves up to be mere historians of Congress are registered and listed, why should a similar degree of publicity be inappropriate for those who set themselves up to be the advisers of Congress?

2. It is unethical for a lobbyist to carry the entertainment of public officers to a point putting them under obligations to him. Direct bribery of public officers is nowadays so rare in Washington that, while it constitutes an occasional scandal, it does not constitute a general problem. Undue entertainment, however, and the weaving of social obligations about a public officer, still too frequently may be observed.

A Plan That Defeats Itself

It is both unethical and, for the most part, decidedly ill-advised. The number of public officers nowadays weak enough to be misled by entertainment is vastly exceeded by the number of public officers who, upon noticing the behavior of the entertainer, are profoundly prejudiced against him.

Large bills sent by a lobbyist to his employers for entertainment are usually indicative more of graft by him than of corruptibility of public officers.

3. It is unethical for a lobbyist to provide any branch of the Government or any organ of the press with information which is deliberately inaccurate. False propaganda can have no ethical excuse. Mendacious or misleading releases to the press are a deliberate poisoning of the well of public opinion and must be taken to be the lowest and most objectionable form of lobbying.

The corrupting of the intelligence of the public is a more basic wrong than the corrupting of the morality of transitory public

officers. It is sometimes utterly successful. It remains a crime against citizenship; and the word unethical, while wholly inadequate to describe its nature, must be unhesitatingly applied to it in any lobbying code.

4. It is unethical for a lobbyist to ply the trade of lobbying for pay while he occupies any political position. He cannot ethically combine political power and the paid representation of an interest or cause.

He cannot do this for the same reason he cannot be simultaneously a lobbyist and a journalist. He must not be able to use his journalistic power or his political power to advance the interest or cause by which he is employed.

The journalist, as we have already seen, is forbidden by the rules of the press galleries to be a lobbyist. The person holding a political position in the organization of any political party should equally be forbidden—by common moral consent—to be a lobbyist.

Mr. Lenroot's Lobbying

The case of former Senator Lenroot would fall under none of the four condemnations here detailed. Mr. Lenroot was openly a lobbyist; he attempted no social personal pressure upon his former colleagues in the Senate, but only public argument before them; he disseminated no false information; and he occupied, while he was a lobbyist, no political position whatsoever.

It cannot even be truly said that, as a former Senator, he would be especially influential in his public open arguing with his former colleagues. If there is any fact notorious in Washington it is that every Senator, in a body of 96 members, has about 95 jealous critics.

The mere act of lobbying by anybody is wholly in itself legitimate. The moral problem is in the methods through which that act is performed.

Speaking positively instead of negatively, the lobbyist should be (a) open and known, (b) a dealer in data and not in dinners, (c) a purveyor of truth and not of falsehood, and (d) nonjournalistic and nonpolitical.

Such would be the four main primary rules of an ethical code of lobbying. I believe they are already observed by the great mass of lobbyists in Washington. They are not counsels of perfection. They are ideals which have been found to be conducive to success.

When these rules are obeyed, the legislator or administrator, instead of being able to denounce the lobbyist as a corruptor, has the positive duty to listen to him as an informant; for, as Elisha Hanson, who was Mr. Lenroot's partner during Mr. Lenroot's practice of the law in the Capital, has aptly, in summation of the whole matter, said:

"The legislator or administrator who would enact a law or apply it without hearing information from both sides is as unethical as the judge who would decide a case without hearing argument from both sides."

A PEOPLE'S LOBBYIST

BY JOSEPH LEE

(From *Independent*, January-June, 1907)

[Few men have more effectively devoted themselves to civic interests than has Mr. Joseph Lee, of Boston, whose Town Room on the summit of Beacon Hill has attained a national reputation. How and why he devotes both time and money to the betterment of people and conditions: what he has accomplished and what he hopes to accomplish, he has told at the request of *The Independent* in the following article. —EDITOR.]

My principal interest and activity in social work has been as a people's lobbyist. Besides appearing before committees and talking with many individual members of the Legislature and explaining to them the merits of different bills in which I have been interested, I have had a hand in the organizing of the Massachusetts Civic League, the object of which is to achieve team play in work of this kind. The League has originated and supported many bills that have become law, and has, indeed, for the last dozen years, been almost uniformly successful. Our function is not so much to form public opinion as to give effect to it. We serve as a lens to bring public opinion to a focus, or as a sort of social precipitant for the public purpose already existing in solution.

The common way of treating a Legislature is to leave it so far as possible in ignorance of public opinion until after it has acted, and then blame it very severely for not having done the right thing. Our idea is that it is better to say what you want beforehand than to say what you didn't want afterwards.

There is more nonsense talked about the corruption and lack of spirit in our Legislatures than on any other subject. The lack is far more in the people than it is in the Legislatures.

In my experience as a lobbyist, I have practically always had a respectful hearing, and such opposition as I have encountered has in the majority of cases been the result of honest conviction. I think the Legislature is becoming increasingly interested in the progressive social work.

The hitch in the past has been that we have passed resolutions and depended on the Legislatures to do the rest. Surely if it is worth while to send a special counsel to a State capital for the purpose of furthering a law to provide that a sidewalk assessment shall be five dollars or ten dollars less, it should be worth while to send a man

to talk to the legislators and explain a possible plan to save the lives and souls of children.

If civic movements have lost their force in the past I feel it is simply because means were not taken to make the situation plain and to put in solid work of the word-saving variety for what is desired.

A thing that is not generally understood of the Legislatures, is that their functions are largely judicial. They do not, as a rule, originate legislation.

A Legislature is to a great extent a court, and hears only what is brought before it; so that the people's cause will not get heard unless somebody acts as counsel for the people and makes it his business to represent them.

The Massachusetts Civic League attempts to serve that function in this State, and I believe there should be a similar organization in every state.

The policy represented in the bills that we have gone in for may be described as the policy of watering the plant rather than tying on the flowers. We think it is better to attack an evil at its source than to attempt to deal with it after it has occurred.

As a result of the work of the Massachusetts Civic League I am proud to state that we now have on the law-books of this State a measure providing for medical examinations in all the public schools.

The bill provides two things:

First—that each child who looks to his teacher to be in ill-health, or shows symptoms of any particular disease, or who comes back to school after being sick without a doctor's certificate, or who comes back after an unexplained absence, shall be reported by the teacher and seen by the school physician. If the school physician sees anything the matter with him, notice must be sent to his parents, who are told that the child is sick and that they had better see about it. If it is an infectious disease the child is kept out of school until it is well.

Second—That every child in Massachusetts shall have his sight and hearing tested every year by a teacher. In this part of the bill also there is a provision which we hope will eventually have far-reaching results, namely, that every child shall also be annually tested to see whether he is suffering "from any other disability or defect tending to prevent his receiving the full benefit of his school work or requiring a modification of his school work in order to prevent injury to the child, or to secure the best educational results."

Under this provision a general examination of the child can be made, such as is now being made in the New York schools, including his heart, his lungs, his nutrition and his nervous condition and strength.

There is absolutely no provision whatever for any interference with the functions of the home. The desire is to make certain that the child shall be in proper condition to receive the most good out of the educational facilities offered, and to make him a strong and efficient man rather than a weak, nervous wreck; but the law provides only that the parent shall be told what needs to be done. It leaves it to him to do it.

My attention was first called to the need of something of this sort by the statement of a medical friend of mine that adenoids might stop almost completely the intellectual development of a child. When a little later Mr. Kidner, who has charge of child work in St. Andrew's Church in the West End of Boston, informed me that he had recently had eight adenoids cut out of children under his care, I realized that the extent of this particular evil made it a matter of important public concern. Some time last spring I felt the time was ripe for doing something systematic to correct this and other physical defects in school children. An account of the course pursued will illustrate the manner in which such a task is accomplished and may perhaps be a help to others. At the start, I consulted the State Board of Education, the State Board of Health, and especially Dr. Durgin, chairman of the Boston Board of Health, who is the man who introduced medical inspection of schools into America. Next I drew a tentative bill and I interested in it the Massachusetts Medical Society, the State Society of School Superintendents and the women's clubs. Then, in accordance with the usual methods of the Massachusetts Civic League, of which I am an officer, and which adopted the bill, we interested in the matter everybody in the State who might be expected to especially know about it, writing circular letters to all the superintendents and all the chairmen of school committees. Finally we presented it to the Legislature and began our work there. It was done in a systematic fashion. We laid mines for the Legislature. The legislators could hardly walk in any place where they might naturally expect light on the question of medical inspection without setting off a mine that we had loaded.

As to the net result, when the matter came before the General Court our only disappointment was in the utter lack of opposition and our only difficulty was in effecting a compromise between those who wanted the thing carried out by the school committees and those who wanted it done by the boards of health.

BUSINESS FINDS A NEW APPROACH TO ITS LEGISLATORS

BY KERWIN K. HART

(From *Magazine of Business*, January-June, 1929, pp. 301, 303, 352, 354)

Organization For Presenting Facts to Lawmakers Will Keep Unsound Legislation Off of the Books

At this season the legislative mills are grinding out, or have just finished grinding out, the season's output. Throw in the annual output of our Congress, add the multitude of rules having the force of law made by numerous permanent commissions, and you have fairly covered the field.

It is astonishing how many of these laws affect business. Time was, no doubt, when laws were passed by legislatures and councils at the instance, more or less secret, of special business interests. Nowadays nearly every special interest excepting the business interest, is having its innings.

It is notable that in the state of New York, in which I happen to live and of which I must write, nearly all bills that seriously affect business have been introduced and pressed for passage during the past generation by interests other than business interests. A professional social welfare worker, or a labor leader, has a pet project. A bill is introduced, the newspapers give it publicity, and a hearing is held (anybody can ask for a hearing and usually get one). The bill may be unimportant, or it may add \$10,000,000 to the cost of workmen's compensation to the employers of the state. Business pays little attention to the matter until well past the eleventh hour. Then the wires are hot with telegrams. A group of manufacturers hasten to Albany, discovers that three-fourths of the members of the legislature have been personally pledged to vote for the pending bill—that they are too late. And they go home swearing at the legislative disposition to pass bills inimical to business.

The trouble may have been partly with the Legislature. But principally it has been with business men.

In the state of New York for many years most of the legislation passed that affected business has been at the instance of social welfare workers, or of organized labor, or both. Not that either of these groups does not have as good a right as any other group to urge anything it pleases. But the point is that a remaining group—the business interests themselves—has not presented its side of the case to the Legislature with nearly the promptness and thoroughness shown by either of the other two groups. Not only have business men the right to be heard—it is their absolute duty to the public to state their views whether they prevail or not.

Early in the winter of 1926 an upstate manufacturer after talking with half a dozen others, called up one of the legislative leaders to whom he was a stranger, and asked if a selected group of business men could meet with him and other leaders of the Legislature. The request was granted and an afternoon was spent in one of the committee rooms at the state capitol.

That the legislature had been grinding out laws for so many years and so fast, and of so stringent a nature that business was being overregulated, was developed at the conference; too, that little was known in the legislature as to the effect of the laws that previous legislatures had been passing.

The manufacturers called attention to the extreme weakness of the cotton spinning industry, many of the spinners having gone to other states, or retired from business. Other weak spots were cited. It was brought out that the New York Workmen's Compensation law was already much higher in cost to employers than in any of the states having compensation laws, and that, in particular, it was nearly three times as high as in the adjoining competitive state of Pennsylvania.

There was no disposition to criticize this beneficent law, but merely to point out the added burden the New York manufacturer must bear compared with his competitor across the State line. Whether the boasted high benefits of this law were so valuable to the workers after all, if they helped to drive opportunity of employment out of the state, was the question. Nobody seemed to know.

The manufacturers asked the legislature to call a halt on all proposed bills that would add further burdens to industry until a joint legislative commission could make some investigation of recent legislation and the probable effect of proposed legislation. As a result, the legislature created the New York State Industrial Survey Commission and charged it with looking into practically any question that affected the ability of New York industry to meet its present and probable future competition.

Naturally, the appointment of this commission was hailed by the proponents of certain bills as a stall. It was loudly cried that it was merely the design of a faction to prevent the passing of certain workmen's compensation legislation, and, in particular, perhaps to prevent the passage of a 48-hour law for women. The commission, however, proceeded to its task without delay.

Fortunately, at this juncture, large numbers of industrialists throughout the state, organized as the Associated Industries, recognized the opportunity the appointment of the Survey Commission afforded for a constructive piece of work. After consultation among themselves they decided that they would present to the commission facts to be found for them by trained economists. They, therefore, called in the National Industrial Conference Board as best equipped

to make a study of certain problems which had been announced by the commission as part of its program for the first year.

In due time the commission proceeded to hearings on the most pressing subjects of its adopted program. Two subjects stood out as preeminently demanding consideration. One was the workmen's compensation. No considerable group of persons in this State were opposed to the law: on the contrary, employers almost unanimously believed in its principle. The only serious question was, should constant additions to its benefits (and consequently to its cost) go on indefinitely with no particular or definite goal in sight? Or should the legislature give some intimation to business men as to how much longer the process of increasing the compensation costs should continue?

The Conference Board made for New York State manufacturers probably the most thorough study ever made of the subject of workmen's compensation. It was not a theoretical study. It was a practical examination of the effect of the New York Act and, in particular, of the relative burden of the acts of other states. Some of the best economists of the Conference Board were engaged for many months in this work. When the tentative report of the board was ready it was made, at the manufacturers' request, directly to the Industrial Survey Commission. It had been stipulated between the manufacturers and the Conference Board that the board was to publish any facts actually found to exist, without regard to whether these facts supported or failed to support any given contention.

When the report was presented the experts of the Conference Board—those who had actually done the work of investigation—were sworn and opportunity given for examination and cross-examination under oath.

Incidentally the member of the commission representing the employers ventured to suggest to the welfare workers, as well as to the labor representatives, that he would be glad to see both of them employ a similar method of obtaining facts if they thought well of the plan. In neither case, however, was the suggestion adopted.

It was not surprising that the Conference Board's report made a real impression upon the members of the commission; nor that it also equally impressed the legislature as a whole.

It is not surprising that the commission recommended to the legislature that most of the bills to increase workmen's compensation benefits should not be passed. A certain few bills were recommended which were obviously fair and tended to give a more balanced workmen's compensation law. But it is significant that the commission, in its report to the legislature, volunteered the unusual suggestion that when these minor amendments had been made to the compensation law, the benefits should not be further increased for a period of at least five years.

The other pressing problem before the commission, and upon which a most careful survey was made by the Conference Board, was the proposed 48-hour law for women. There was a vociferous demand for this bill from a few, but practically no economic facts had been brought out to serve the legislature as a guide.

The Conference Board's report on the 48-hour question was as thorough as that on workmen's compensation. It tended to indicate the wide belief among manufacturers as well as among many workers, that the legislation was unnecessary and might be harmful. The final result was a 50-50 compromise upon what is in fact a 51-hour law. The commission in recommending the compromise which was adopted urged upon the legislature that if this compromise were passed, no further consideration for some years to come should be given to further reduction in the hours of labor.

During the two sessions of the legislature since these measures were reported by the Industrial Survey Commission has found other things to do. Indeed the program originally adopted by the commission and which has been re-adopted by the commission in 1927 and 1928, was of the broadest possible nature. For instance, in 1927 much evidence was taken on the subject of industrial education. The manufacturers offered as their contribution the results of a special investigation made by the conference board. The commission also made a special study, through a sub-committee, of the proper treatment of the 4,000,000 acres of abandoned farm land within the State, and recommended a comprehensive plan for their reforestation by the state, by municipalities, and by private initiative. The legislature appointed a special commission to work out the details of the plan.

The Best Methods For Getting Facts Before Legislators

The commission, realizing that the high cost of building construction, particularly in greater New York, was likely, if continued, to interfere with the industrial success of the state, held numerous hearings, conducted conferences with groups of labor representatives and employers, and finally was instrumental in inducing the New York Building Congress, an organization representing every element in the building business, to undertake, at its own expense, an economic survey of the building industry in New York. The congress appointed a committee which now has the matter in hand.

Two or three very simple ideas underlie the work of the Industrial Survey Commission. In the first place, if an individual business man had a serious problem in his organization he would not think of undertaking to frame a remedy without first making very sure that he had the facts. A legislature in session is not equipped to get the facts. A legislative committee sitting during the interim

between sessions of the legislature can do better than the legislature as a whole. But the best method so far devised, and which was followed, at least by the manufacturers before the Industrial Survey Commission, is the simple one of having facts adduced by persons trained in the getting of facts. These facts are then presented to a legislative commission by those who have obtained them. If each party to a controversy—assuming that the subject under investigation is controversial—would thus carefully prepare its case, then the legislative committee could in most cases reach sound conclusions, based on the facts.

*A Duty Which Business Men
Cannot Delegate*

There is no mystery in law-making. The personal element, of course, is tremendous. But most legislators, in spite of other influences, will be impressed by facts.

If business men hope to get sound legislation in any state, and if they hope to maintain sound relations between industry and the state government, some of them must be willing to give of their time. We are too willing to form organizations and leave almost anything to the paid secretary or the legislative representative to carry out. These officials are necessary and many of them perform most useful service, but that is not enough. There must be business men in the state at large and in every important community, willing from time to time to take the pains to understand a given problem before the legislature—or that is to come before the legislature—and to work side by side with their legislative representatives. Legislators like to talk with industrialists themselves.

Certain duties business men cannot delegate. Here is one of them. A legislature in our day is made up of men peculiarly responsive to public opinion. Public opinion is more influenced than in any recent time (perhaps ever) by economic facts. It is also influenced profoundly by the interpretation placed on the facts by business leaders. Business leaders do not in many cases appreciate their tremendous potential influence with the public, and consequently with the legislature.

If our business leaders do not take the trouble to get the facts and to present their opinions, they must not complain if legislative policies are economically unsound.

A LOBBYIST—FOR THE PEOPLE

(From "Among The World's Workers" in *World's Work*,
November-April, 1907-1908)

One young man has completely changed the quality and method of legislation in the State of New York. A dozen defeated politicians have gone back to private life because of his work, and hundreds of

pernicious bills have been killed in spite of the most insidious wiles of corporation lawyers.

Mr. Travis H. Whitney has done this in the four years since he left the Harvard Law School. Today his name is a terror to crooked legislators and a menace to corporation lawyers. His weapon is publicity, and he acquired this weapon by making himself indispensable to the newspaper men at Albany. He was registered at the capitol as "a legislative agent." That means "a lobbyist." He represented the Citizens Union of New York City. That means championship of clean politics and the public good.

At Albany, Mr. Whitney soon got to be familiar with the "underground" methods by which "blind" bills are put through the legislature—bills seemingly innocent, or even praiseworthy, whose effect, however, and whose real purpose, is to extend improperly the powers of corporations. Heretofore these bills had been put through with the connivance, sometimes through the ignorance, of legislators.

Mr. Whitney speedily changed this condition. He got acquainted with the newspaper correspondents at the capitol, and found that they were untrained in the art of finding the more subtle of these blind purposes in bills, and that they were laboriously spending four or five hours a day poring over the mass of bills that had been introduced, trying to make out the effect of each. Mr. Whitney brought up a lawyer for an assistant, and soon the newspaper men found that within an hour after a day's bills were introduced, they could get a typewritten analysis of all of them on a desk outside Mr. Whitney's office—one copy for each paper.

This analysis showed exactly what the intention of the bill appeared to be, but also exactly what its whole effect would be, with notes on the probable intention of it—an intention that, in many cases, even the man who introduced it had no idea was in the mind of the friend or constituent who asked him to introduce it. No part of this analysis could be quoted: it was only for the guidance of the reporters. But in cases in which the Citizens Union wished to protest against especially vicious legislation relating to New York City, Mr. Whitney would add a comment in brackets for quotation. The reporters' work on the study of the bills was reduced from several hours a day to a few minutes, by these analyses. The analyses were so unprejudiced that no reporter in the four years ever questioned their accuracy or fairness. And the instrument of publicity that Mr. Whitney created through them was so powerful that not one important bill that he opposed passed the legislature. Members of the legislature got the habit of coming to him for an analysis of bills before they would introduce them. Other members who supported bills after he had exposed the true nature of them, found their names and votes in unpleasantly conspicuous places in the newspapers of their home districts the next morning. Corruption ceased to pay.

Legislators realized that their political future was being shaken by a nod from the quiet, broad-shouldered young lawyer who smiled at them over his glasses.

Some legislators had to learn this by defeat in conventions and at elections. Mr. Whitney made a report on the character of every member of each House, and these reports were often effective after they were printed in the papers. The following is a specimen report:

“....., (Republican,th Kings).
Conspicuous because of his undesirable special and personal legislation; his efforts to break down the civil service laws and his bills creating unnecessary salaried city officers; amends his bills for the worse from the floor, when there is little attention given such amendments; intelligent and dangerous representatives, should be defeated.”

That report, backed by a year of publicity work under Mr. Whitney's direction, sent the Senator back to private life, defeated by 800 votes in a district that gave the Republican candidate for Governor, whose name appeared on the same ballots, 8,000 majority. At one election, every Republican senator in Brooklyn was either refused the nomination in convention or was defeated at the polls as a result of these reports.

At the last session of the legislature, the Citizens Union felt that it should change its attitude of distrust toward former administrations to coöperation with the administration of Governor Hughes. Mr. Whitney suggested to the Governor the advantages of such coöperation. Mr. Hughes investigated the work of the People's Lobby, and verified all of Mr. Whitney's claims for its integrity and efficiency. Thenceforth, he and Mr. Whitney worked in harmony. Instead of having to wage a campaign of publicity against a bad bill, it was usually sufficient that Mr. Whitney should point out to the Governor the viciousness of it, and then wait for the legislators to find out that even if they passed it the Governor would not sign it.

On the other hand, Mr. Whitney used his weapon of publicity to back the Governor's policies. This publicity was used to such effect that the suggestion of an amendment to the Public Service Commissions Act, which was the Governor's favorite measure, was regarded throughout the state as dangerous, and the legislator who made such an amendment found from his next day's mail that he was regarded by his constituents as under suspicion of corruption. The Act passed triumphantly, in the face of the opposition of powerful corporation lobbies and of the old political machine, in the form approved by the Governor. The efficiency of Governor Hughes' administration has been largely due to his wise use of the publicity bureau under Mr. Whitney.

When Mr. Whitney resigned, he had defeated hundreds of pernicious legislative measures, and he had caused the retirement from

public life of several men who were conspicuous in pushing bad bills through the legislature. No one has taken his place, though the Citizens Union will probably fill it at the next session of the legislature. No state official is charged with his work. In Wisconsin Mr. Charles McCarthy has done such effective work of the same kind that a state office has been created for him, where he analyzes and exposes bad legislation and assists legislators to frame bills that will avoid the usual pitfalls. Plans are also under way for the formation of another people's lobby at Albany that shall watch legislation affecting the whole state as Mr. Whitney watched legislation affecting New York City.

THE AMERICAN LOBBY*

BY JOHN JUNIOR BELL†

Beyond the shadow of a doubt, lobbying is intimately and inextricably interwoven in the daily life and pursuits of every individual, man, woman, and child, living within the United States. According to the *Nation* of July 10, 1913, "Lobbying in the United States grew out of the feeling that laws mean everything, that business is absolutely dependent on government. Protectionists preached for two generations that it was the duty of Congress to legislate prosperity. With this idea impressed upon their minds, it seems very natural that business men should deem it necessary to have agents in governmental places."

Since the great industrial revolution in this country, the practice of lobbying has grown rapidly, and today it represents by far the greater part of the American people. To the lobby these people in every part of the Union turn for help. To the lobby, also, the constitutional representatives of the people turn for advice, guidance, and expert opinion. And it is no cause for wonder that they do so. Since the adoption of our constitution the social and economic life of the nation has radically changed. From a simple agricultural community, we have changed into a highly industrialized and commercialized nation. Our mere constitutional system of representation is inadequate to meet the requirements of a changed economic order. The system of geographical representation could not stand on its own feet for any length of time, for it does not and never could, in this technical age and complex society, furnish sufficient representation for our social, religious, and economic groups. For that reason our system of geographical representation has proved insufficient. For that reason it has been necessary for the people of America to turn elsewhere for help in order that they as individuals, working

*This article was prepared especially for the bulletin.

†University of Texas Library Staff.

in the interests of large and varied groups scattered throughout the Union as economic and social units, might obtain those measures and laws which are necessary for their prosperity and continued existence.

Thus, the lobbyist has taken his rightful place in the present order of things. He constantly keeps in touch with the group he represents, whatever it may be, and works diligently and incessantly for the attainment of those ends which will be beneficial for the interests he is trying to further. He spends a great deal of time in research and in the study of world wide conditions; he consults with men of intelligence who are alert and sensitive to national and to world problems; he garners up from every source what-so-ever an inexhaustible amount of material and information upon the questions which interest him and his group. He then pours over this wealth of information in order that he might recommend to the Congress or to the State Legislatures the necessary measures for the upbuilding and for the improvement of his economic, social, political, or religious constituents. He serves as an expert advisor to the representatives; and his advice, his research, his assistance are all indispensable for the passage of just and beneficial laws. In fact, unless the lobby existed, many of our representatives would never know that certain grave problems were before the people, and if they were conscious of them, they would be entirely unfit to frame laws upon the subjects, for in this day of specialization, complex and technical as it is, these technical and complex problems must be met by the opinions of experts. An that expert at this time is the lobbyist. Without his advice and influence, our laws would be a polyglot of meaningless phrases.

Now, if only one or two groups were represented at Washington or in the state capitals, then we might admit that the interests of the people were being made subservient to the interest of a few. But to assume such a thing would be contrary to the truth and to the present *status quo*. Almost every conceivable economic, social, political, and religious group has its representatives at our national and at our state capitals. These extra-constitutional representatives know what is best for their particular groups, and they are there, with their full information and knowledge of conditions, to obtain those measures which their people want. Is it correct to say that because you and your group have an economic representative at Washington to further your interests that it is detrimental to the general welfare of the people? You most certainly have a geographical representative there for that purpose, and no one will dare say, as a general rule, that he, a geographical representative, is working against the interests of the nation as a whole. Why cannot the same be said for the lobbyist, the extra-constitutional representative? Because certain economic interests conflict does not mean that the

lobby is detrimental. What about the conflicts between the different geographical localities? Such conflicts are natural and will continue to exist while progress is being made in any line. But when these hundreds of social and economic groups have their lobbyists there, these lobbyists represent, in the main, the majority of the people of this nation, and when these experts are there to influence the congressmen to pass laws which will be beneficial for the several groups, they are consciously or unconsciously passing laws which will be beneficial to the majority of the people. An to maintain that such an order of things is detrimental to the best interests of the people is not only a gruesome paradox, but a gross misrepresentation of fact and effect.

Now let us look into the work that the lobby has accomplished. No one living in the last decade will ever forget the misery and suffering sustained by the people of the Mississippi Valley when the disastrous flood of a few years ago took its great toll of property and life. And a lobby was active in seeing that such a calamity as that would never occur again. Is that to be considered as being detrimental to the best interests of the nation?

Furthermore, as a direct result of a lobby, the present prohibition law was passed. This law, imperfect and incomplete as it is, was passed for the benefit of the whole people. Although it is sadly deficient in many respects, no one can deny that it is a step in the right direction, and whatever improvement which will be made in it will be largely due to a lobby. And do you think that such action will be detrimental to the interests of the nation?

Then let us look at the lobbies which, through their research, advice, and influence, have raised the position of labor in this country to a higher standard of living than we find it in any other country in the world. Let us examine all the social legislation that has been passed—the working men's laws, the compensation laws, the social insurance laws. Are they detrimental to the nation? Are they against the best interests of the American people? Anyone who considers such legislation detrimental would describe a demagogue as a great and impartial statesman, looking to the welfare of the nation, and a true statesman as one whose actions are guided by the pulsations of the pocket book. No, the so-called third house has its rightful place in our system. It is the medium through which the various groups, the majority of the people, influence our constitutional lawmakers to pass those measures which will be beneficial to them.

Now, let us turn to the much-discussed tariff phase of the lobbying question. Various people, here and there, contend that the influence of the lobby in this respect is robbing the majority of the American people for the benefit of the powerful moneyed interests. But let us look further into the situation. If we were to condemn our protective

tariff in the present condition of world affairs, then we must condemn our whole social, economic, and political order. The tariff is necessary if we are to continue our democracy in this republic. It is necessary if American manufactures are to exist, if American labor is to continue to be the most favored in the world, if the American standard of living is to remain at its present and past level.

Now, since lobbying is a necessary supplement to our governmental institutions; since it is the direct and most efficient way of putting into effect those measures which affect our social, economic, and political groups, which contain the great majority of our people; since it helps to broaden the basis of democracy and aids in valuable research; and since it protects those ideals and principles sanctioned for one hundred and fifty years by a happy and prosperous nation in opposition to State worship and control by an oligarchy as exemplified in Soviet Russia; we submit that lobbying is not detrimental to the interests of the nation, but is one of the saving, upbuilding, and beneficial agencies of the American people.

A PEOPLE'S LOBBY

(From *Independent*, July-December, 1906, Editorial)

Whatever may come of the "People's Lobby," which Washington dispatches have been telling us about, the idea that it embodies is one of the essentials of a republican system of government. Not only is eternal vigilance the price of liberty, but the vigilance must be systematic and businesslike as well as unremitting. Personal and corporate interests do not leave to chance the legislation or the administrative policies which they happen to care about. And the people that would hold its own against the attempted encroachments of privilege must be as alert and as thorough in both aggression and defense as its enemies at all times are.

There is, however, nothing so very new in the most recent scheme that has been proposed. It is, of course, interesting, if true, that men like Mark Twain, Lincoln Steffens, William Allen White, John Mitchell and Benjamin Ide Wheeler are willing to give time and energy to the work of watching Congress and protesting against the things that ought not to be done. If they really do what their abilities and public reputation qualify them to undertake, they will prevent an enormous amount of evil on the part of the unpatriotic and the greedy economic interests that care nothing for the reputation or the future welfare of the country which harbors and protects them. It is not to be expected, however, that these particular men will in person stand about the corridors of the Capitol, to buttonhole representatives, or to admonish Senators that their "treason" is bringing them to humiliation. They will have to work, if at all, through some organized machinery, and in so doing they will naturally follow methods already well approved.

For many years past we have had a people's lobby here in the State of New York that has rendered a really splendid public service, which the public ought to be better acquainted with than it is. The State Charities Aid Association, organized to overlook the administration of the various charitable enterprises that are maintained out of the public revenues, long ago discovered that it must constantly watch at Albany against legislation designed to extort boodle for politicians from the provision made for the relief of suffering. Entering upon this undertaking, the association has steadily increased its activity in guarding public interests, and it has received the earnest coöperation of other disinterested public bodies, especially the New York Charity Organization Society. Could a complete record be made and published of the services which these organizations in their capacity of self-constituted people's lobby, have rendered to the taxpayers and humane citizens of this Empire State, it would be a magnificent showing. A similar work and record have characterized the Indian Rights Association in Washington.

The example which they have set has been widely followed, and it is not too much to say that today the agencies for watching legislation in behalf of the people are extremely well organized and extremely efficient. The various committees of the City Club and of the Citizens' Union are conspicuous examples of these most useful voluntary public functionaries. In other states, the idea and the method have been adopted, and there is every reason to expect that a very few years will see in every commonwealth of the American Union a multitude of efficient organizations for doing this most necessary part of the people's work.

Yet, after all, the people themselves must be, in the last resort, their own watchers of their own interests. They must know what their interests are; they must know what the hostile interests are; they must know the attitude, the records, the associations of their public men. They must be in a position to make the life of the politician a strenuous one, and circumspect. This means both increasing popular intelligence and increasing popular devotion to the public service.

Increasing popular intelligence here in America we probably can count on. Can we as confidently count on the disinterested public service of each average citizen? It is easy and natural for the man who has no ambition to hold public office to fall into a way of thinking about his own personal relation to public affairs which seems to absolve him from active participation in them. He is likely to feel that if he goes to the polls once a year and casts his vote he has done all that is required of him. But voting is in reality only a

very small part of the public duty of every American citizen. A far larger part consists in the obligation to read and to think about public affairs and public men. It is each American's duty to keep himself informed; to know what questions are up; what legislation is proposed; what men are backing it, and why; what legislators will stand for it, and what there is "in it" for them.

We fear that, measured by these requirements, scores of thousands of American citizens are not yet doing their whole public duty. Yet, on the other hand, we see a thousand signs that the popular interest in public affairs is growing day by day. We confidently believe that the number of voters who make the intelligent watching of public affairs as much a part of their daily lives as their business engagements are is destined to grow with wonderful rapidity. And therein lies the hope of our democratic republic.

PREFACE

(From *Pressure Politics*. Peter Odegard)

Democratic government implies that "the people shall rule." This means, if it means anything, that public opinion shall find expression in law. The mechanism by which this takes place seems to me one of the basic problems of popular government. Democracy without organization is inconceivable, and public opinion that is unorganized is likely to be evanescent and ineffective—a phantom. In a Greek city state or in a New England town the determination of the collective will upon a particular problem will occasion no great difficulty. But direct democracy falls down in the face of increasing numbers. The individual plain man, swallowed up in a sea of highly differentiated human beings, finds it necessary to organize with others of a like mind so that by concerted action they may bend the state to their will. Political parties are one result of this process. But political parties invariably include adherents whose wills are hopelessly at variance upon all but a very few questions. Especially is this true where, as in the United States, a two-party system and tradition exist.

It is this situation which has engendered the pressure group. Within the matrices of the major parties minor associations are formed which, without regard for party opinion on other matters, carry on agitation for or against projects deemed favorable or prejudicial to their interests. In 1921 Senator LaFollette, the elder, could point to one hundred and seventy such national organizations with permanent offices at Washington.

LEGITIMATE LOBBYING

BY ROBERT LUCE, A.M., LL.D.

A Member of the General Court of Massachusetts for nine years; of the Governor's Council, as Lieutenant-Governor; of a Constitutional Convention; and of the Congress of the United States.

(From *Legislative Assemblies*, pp. 393-395, The Houghton Mifflin Company, Boston and New York, 1924)

In the general denunciation of lobbying, the sheep and the goats have suffered alike. It has too often been forgotten that high-minded men, animated by unselfish motives, legitimately resort to organization for giving effect to their views. No reason appears why they should not employ spokesmen, whether counsel or agents. The laborer is worthy of his hire; all of us must live; and the man who toils for righteousness must be fed and clothed and housed just as the man who works for iniquity. To be sure, righteousness and iniquity may depend on the point of view, but for the present purposes let us assume that they are to be discriminated by the degree of self-interest. If, then, reasonably unselfish purpose is to be encouraged, shall we restrain it by forbidding its achievement through paid argument? So little reason suggests itself for such restraint that it might be ignored were it not for the frequency with which we hear complaint of the presence of representatives of philanthropic, commercial, and industrial organizations at committee hearings and in the lobbies and corridors of capitols. Supersensitive legislators every now and then resent the pressure thus brought to bear.

The complaint is not reasonable. To be sure, unfair methods may be used by the men with virtuous purpose as well as by those who seek only private gain, and no word is to be spoken in defense of threats and persecution, but in practice it turns out that the methods of men with philanthropic motive are usually frank and honorable. Such men really benefit legislation. Even though we grant that the ideal of representative government would be secured by a body of statesmen who, unaided, unguided, self-sufficing, would out of their own consciousness evolve wisdom reflecting the public will, we know that no such body ever has existed or, while human nature is imperfect, ever will exist. If, then, legislators must to greater or less extent look elsewhere for information and judgment, where can they better turn than to the organizations of citizens who coöperate in behalf of principles?

There is one phase of the work of these organizations to which surely nobody can object. Besides giving information to legislators, they get information about legislation, and this is to the advantage both of Legislatures and of the public. No more useful opportunity is open to Chambers of Commerce and like bodies than that of watching and reporting what goes on in legislative halls. Their

legislative agents may come near to being the often wishes-for "people's lobbyists." Such agents should spread knowledge about the bills introduced, the times of committee hearings, amendments adopted on the floor; behind them should be Committees on Legislation ready to act at a moment's notice if occasion arises to defeat a bad bill making headway or to help a good bill in danger.

It is also perfectly proper and not undesirable that public service and other business corporations shall have watchers in the capitols. Corporation directors are trustees for stockholders whose numbers often run up into the thousands, and may well construe it to be part of their duty to see that at least there is knowledge of hostile legislation proposed. Likewise may be commended the growing practice of having the big municipal corporations represented in the lobbies. Boston has protected itself on many an occasion by the activities of the member of its law department entrusted with the work on Beacon Hill.

Along the same lines is the work of the legislative agents of the labor organizations. They give help to any legislator broad enough to be willing to consider the other man's point of view, and they carry back to their unions the broadening they themselves unconsciously get through contact with the representatives of the other classes in the community. Of course the capitalist group can hardly be expected to look with equanimity on the efforts of the labor lobbyists, but the labor men return the distrust with good measure, and the conflicts of interest that follow help on the whole toward well-balanced, equitable legislation.

With attention called to all these varieties of lobbyists and the useful purposes that many of them serve, will the reader be surprised to learn that most legislators deem it useful, desirable, and in no way dishonorable, to give ear to such men? No less notable and reputable a lawmaker than Thomas B. Reed used to say when he was in the House that there were no terrors for him in a call from a lobbyist, and that he was always willing to go out and see one, unless he had reason to believe the man a rascal. "If any person can tell me more about a pending bill than I know already," he would ask, "why should it be my duty to shun him?" All Mr. Reed insisted upon was that the lobbyist should be clean-handed, stick to his legitimate business, and hold his interviews with Congressmen outside the legislative chambers.

No lawmaker can know too much about the work before him. Of much the greater part he can have no personal knowledge, but must get it where he can. If he is a man intelligent enough to make laws, he will be able to discount self-interest on the part of his informant, to recognize truth and disregard falsehood, to winnow the chaff from the grain. It is not a case of being defiled by touching pitch, nor even of consorting with the men of doubtful quality. By far the greater part of the men whose duty it is regularly or occasionally to

communicate with lawmakers are men of high character and clean lives. A few are knaves. In the public mind their brand of yeast spoils the whole loaf. That belief is unwarranted and is unfair.

THE FUNCTION OF THE LOBBY IN AMERICAN GOVERNMENT*

BY JULIUS F. FRANKI†

However laudible may have been the labors of our forefathers in laying the substructure of our governmental institutions, none can deny that the complex civilization which has been superimposed upon it has called for a distortion of its basic principles. We need but examine the Constitution itself to find appendages in the form of amendments called forth by the progress of time; even our court decisions have distorted the plainest language of the fundamental law to conform with the changing course of events. Need we become alarmed therefore, when we discover that an illogical and arbitrary system of geographical representation, handed down to us from an age of agricultural individualism, has been bolstered up and supplemented by the forces of necessity, and this that the ends for which government was instituted might be more efficaciously subserved.

Consider the anomalous situation of a bicameral legislature whose membership is drawn from all sections of the nation or state, shackled by our system of checks and balances, torn asunder by the strife of political parties, and far too large and unwieldy to leave room for accomplishment. No group of people should be expected to entrust the affairs in which their vitality, well-being, and happiness finds its roots, into the hands of inexpeditious, disintegrated, and inefficient mechanisms as are provided in the phrases of our constitutions; and this must be true whether these peoples are bound together by common experience, religious or economic ties, or even having similar needs growing out of a common geographical location.

Although our political institutions are unquestionably meritorious in many respects, we should not hesitate to recognize their defects. The very fact that the "third house" has sprung into existence through the years, unsanctioned by our constitutions, points unmistakably to an oversight in the fundamental law. Geographic representation has become obsolete; it no longer truly converges public opinion at the capitol building, if indeed it ever did; it fails to recognize that the interests of the individual extends beyond his congressional district; that there are forces at work beyond this arbitrary limit which directly influence his means of subsistence, the felicity of his domestic circle, and the burdens that will be thrust upon his

*This article was prepared especially for the bulletin.

†Member of the University of Texas Debate Team.

posterity. It ignores the fact that the ties of professional and business associations and loyalty to ones church know no geographical bounds. The irresistible tendency is for the voice of the people to make itself heard collectively, emanating from groups permiated by identical social and economic motives and aspirations. The old adage, "United we stand, divided we fall," is remarkably true. But unity is not moulded along geographic lines, for there are stronger forces working against it.

Consequently the extra-legal lobby has sprung into existence. It is the child of necessity. There is hardly an individual today who is not remotely or directly interested in the successful prosecution of the activities of one or more of the lobbies which are exerting their force and spending their money at Washington or at the capital of his state. The lobby is there because it is plugging a hole in the flood of the misdirected effort of unaided legislation; it is there because public sentiment demands it. The material interests of economic groups are at stake, which the written basic principles of our government have almost completely ignored. The lobby has come to be indispensable; its efficacy stands undisputed, and it has won the merited support of the public.

The lobby as a necessary cog in the mechanism of government is grossly misinterpreted rather than lacking in virtue. The word "lobby" is a harsh one. It is suggestive of political corruption and conjures up that which has been undesirable in the past; somehow we have been led to think of the lobbyist as a conniving parasite, slick and unscrupulous in his methods, scheming to further corporate and capitalistic interests and disregarding of the rights of the common man. But these concepts are founded in truth only to a slight degree; they are largely the fabrications of current publications and propaganda which have filtered the public mind with unwarranted and unsubstantiated criticism, either through prejudicial motives or because of a failure to recognize that there are two sides to every question.

The men who are actively engaged in lobbying represent, as a rule, the best talent which the country can produce; in many instances they outstrip the members of congress or the legislature, and they come equipped with knowledge of facts relating to matters with which they are closely associated. True, they do not present impartial views, but they have and are willing to impart just such information as is imperative to correct legislation. Here is an excellent opportunity, theoretically to say the least, for the legislature to view all sides of a problem and to judiciously adjust conflicting interests so as to equitably distribute and impose burdens upon all concerned. Left to themselves, our legislatures are too prone to be hesitant and dilatory, and necessarily so, for they are constructed to obstruct rapid action. But modern America, being essentially a country of big business, demands swift and rapid action. The lobbyist in exerting

his tremendous pressure, is rendering a service to the American people by speeding up the inherent slowness of our government. And lobbying is not limited to the furthering of corporate and capitalistic interests alone; that this is true, we need but point out that lobbies are maintained by the farmer, the laborer, the school teachers, and the churches. With the foregoing in mind, therefore, we should not look upon the lobbyists as barnacles clustered about the ship of state to be scraped away lest they rot its timbers, for they are a necessary adjunct evolved by our civilization, whose destruction would only make us realize their indispensability.

CONCLUSIONS

(Group Representation Before Congress. Herring)

With proper safeguards against abuse and deception, these associations promise well as a means of meeting the problems of representation that have arisen with the growing complexity of society. Communities are no longer homogeneous because of geographical proximity. The advances in transportation and communication have brought about a new tie. Distance means little today. Yet the formal system of representative government under which we are operating was established at a time when men were forced by the mere fact of living together to have many interests in common. They were forced to be dependent on their immediate neighbors, and naturally their common interests were many. Now, however, industrialists, farmers, laborers, churchmen, or reformers all over the country can unite and discuss their common problems. From this association there is but one step to the desire on the part of the group to make its voice heard in the councils of government. The government has set up certain administrative and judicial tribunals to deal with these new interrelations of men that have resulted from easier communication, but the fact that men have interests in common other than those bred by living in the same vicinity has been ignored in the structure of the representative branch of the government. In the formal system of representation, we are still using the mode of the eighteenth century. With the decline of the political party as the leader in policy and opinion, it was not only compulsory but inevitable that some other medium of expression for the many diverse points of view and commercial and ideational interests should evolve. The national associations are the result.

They represent a healthy democratic development. They rose in answer to certain needs. They have been forced to take the political structure as they found it. Entirely extra-legal and non-constitutional, they have been much maligned and misunderstood. They are a part of our representative system, and yet due to their heritage from the

old lobby they bear the taint of illegitimacy. There is no turning back. These groups must be welcomed for what they are, and certain precautionary regulations worked out. The groups must be understood and their place in government allotted, if not by actual legislation, then by general public realization of their significance.

